

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3736 of 2017

In
Civil Writ Jurisdiction Case No.17667 of 2014

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Bimla Devi, W/o- Late Kumar Vidya Bhushan Yati, resident of Moti Mahal Campus, P.O. and P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Shri R. K. Mahajan, The Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. Shri. Amit Kumar, the Director Primary Education, Human Resources Development Department, Government of Bihar, Patna.
3. Shri. Keshav Kumar, the District Programme Officer Establishment, Department of Education, Patna.
4. Shri. Chandrashekhar Rai, the District Superintendent of Education, Siwan.
5. Shri. America Prasad, the District Programme Officer Establishment, Siwan.
6. Shri. Samar Bahadur Singh, the District Education Officer, Primary Education and Sarva Shiksha Abhiyan, Siwan.
7. Smt. Raj Kumari Singh, the Block Education Extension Officer, Mairwa, Siwan.
8. Shri. Dinesh Kumar, the Head Master, Upgraded Middle School, Bilashpur, Mairwa, Siwan.
9. Shri. Dharmendra Kumar, the Accountant General, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Giri, Advocate
For the Opposite Party/s : Mr. Priyadarshi Matri Sharan, AC to AAG- 15
For the Accountant General : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 07-10-2023 Heard Mr. Sanjay Kumar Giri, learned counsel for the petitioner and Mr. Priyadarshi Matri Sharan, learned counsel for the State.

2. The petitioner, who claimed to be the widow of Kumar Vidya Bhushan Yati, filed the present application seeking initiation of the contempt proceeding for the alleged



willful violation of the order dated 24.01.2017 passed C.W.J.C. No. 17667 of 2014 whereby a Bench of this Court taking note of the undertaking given by the respondents-opposite parteis, as also the facts and circumstances of the case, disposed of the writ application with a direction to pay all the admissible post retiral dues to the petitioner forthwith.

3. It is the admitted fact that all the admissible retiral dues have been paid to the petitioner, but while ensuring the payment of gratuity amount, a deduction of Rs.1,24,587/- has been made on account of certain charges against the husband of the petitioner, who died on 28.07.2017 and from the facts, it is evident that the amount of gratuity has been paid after deducting the aforementioned amount after the death of the erstwhile employee.

4. Thus, the learned counsel for the petitioner vehemently submitted that the action of deduction of the gratuity amount behind the back of the late husband of the petitioner is wholly illegal and unsustainable in law.

5. At this stage, learned counsel for the State while drawing the attention of this Court to the order under contempt submits that the admissible gratuity amount has been paid to the petitioner and if the petitioner has any grievance, she can move before the appropriate authority/forum.



6. Considering the materials available on record, as also the submissions advanced on behalf of the petitioner, the present contempt petition stands disposed of with a liberty to the petitioner to assail the action of the opposite parties no.4 and 5, if she is not satisfied with the same.

(Harish Kumar, J)

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