

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1127 of 2020

In
Civil Writ Jurisdiction Case No.260 of 2020

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Gopal Krishna Gokhle, S/O - Late Binda Prasad, R/O- Mohalla - Daldali Bazar, P.S. - Chapra, District- Saran (Chapra), retired Lecturer From Bharat Mishra Sanskrit College, Saran.

... .. Petitioner/s

Versus

1. State of Bihar, through Mr. Amit Khare Secretary, Higher Education Department, Govt. of Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Vice Chancellor Mr. Hanuman Prasad Padney.
3. Mr. Nishikant Singh, the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
4. Mr. Ratan Kumar, the Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
5. Dr. Abha Kumari, the Principal, Bharat Mishra Sanskrit College, Salempur, Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Singh, Advocate
For the Opposite Party/s : Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 25-04-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

The learned counsel for the University, at the outset, submits that the present contempt application has been filed alleging violation of the order dated 07.07.2020 in C.W.J.C. No. 260 of 2020. The learned counsel further submits that the order passed by the learned Writ Court has been complied and the



petitioner has been paid an amount of Rs. 34 lakhs and odd after deducting the income tax amount. It is next submitted that the learned Writ Court had also directed for payment of interest in the event if the entire dues with detailed calculation chart is not paid and made available to the petitioner within a period of one month from 07.07.2020 then the petitioner would be entitled to payment of interest @ 12 per cent from the date of retirement till the date of actual payment. The learned counsel for the University also submits that the petitioner retired on 31.07.2013 and the final payment was made on 27.03.2023.

On query of the Court that as to why the interest has not been paid to the petitioner when the payment in terms of the order dated 07.07.2020 was not made within one month from that date as directed by the learned Writ Court, the learned counsel for the University was not in a position to reply the query of the Court with clarity but submitted that some payments were made after the order passed by the learned Writ Court and the final payment was made in the year 2023.

The Court is not impressed with the submission of the learned counsel for the University.

The learned counsel for the University, at this stage, submits that the University along with the State after passing of



the order dated 27.03.2023 in the present case has constituted a Committee for looking into the grievance of the petitioner with respect to the payment of interest and also to find out who was culpable for not making the payment in time in terms of the order passed by the learned Writ Court.

This submission of the learned counsel for the University is fit to be rejected for the reason that the Court is not interested who is culpable or who is not culpable, the Court is only interested in getting the order of the learned Writ Court complied, the payment of interest has to be made to the petitioner since the entire payment was not made in time as directed by the learned Writ Court, as such, for full compliance of the order of the learned Writ Court which has attained finality in absence of challenge, the Court expects that the University and the State Government will calculate the interest with respect to the payment made and shall make the payment of the interest forthwith and thereafter the Committee will decide the culpability of the Authorities who were instrumental in not getting the order of the learned Writ Court complied expeditiously or within the time frame as directed.

The Court hopes and expects that the observation made hereinabove shall be complied by the Authority of the



University and the State, failing which the petitioner would be at liberty to file a second contempt in the event if the order of the learned Writ Court is not complied in its entirety within a period of three months from today.

At this stage, the learned counsel for the petitioner submits that still an amount of Rs.81,000/- is due, the petitioner is directed to file a representation bringing to the notice of the Authorities that an amount of Rs.81,000/- is still due for payment and in the event if the petitioner is able to establish the due by cogent material on record, the Court expects that the said payment shall also be made to the petitioner within the time aforesaid.

Accordingly, the contempt application is disposed of.

(Satyavrat Verma, J)

Adnan/Kundan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2023
Transmission Date	

