

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1890 of 2022

In
Civil Writ Jurisdiction Case No.4320 of 2017

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Bipin Bihari Singh C/o Sri Pankaj Sinha, Resident of Mohalla - Subhash
Nagar, Ashram Road, Purnea, P.S. K. Hat, District - Purnea.

... .. Petitioner

Versus

1. The State of Bihar through Sri Prem Singh Meena, I.A.S. Principal Secretary, Social Welfare Department, Bihar, Patna.
2. Shree Ramashish Paswan, The then Special Secretary, Social Welfare Department, Bihar, Patna.
3. Shree Mritunjay Gupta, The then Deputy Secretary, Social Welfare Department, Bihar, Patna.
4. Officiating Joint Secretary, Social Welfare Department, Bihar, Patna
5. Dr. Nawal Kishore Choudhary, The Collector, Gopalganj.
6. The Officiating Joint Secretary, Labour Employment and Training Department, Bihar, Patna.
7. Shree Ramadhar Sharma, A.G. Office, Bihar, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Ms.Punita Kumari Singh, Advocate
For the Accountant General:		Mr. Anand Kumar, Advocate
For the State	:	Mr.Krishna Kant Singh, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Accountant

General.

2. This application has been filed seeking initiation

of a proceeding for contempt against the opposite party no. 1,

5 and 7 respectively for their willful disobedience and

disregard shown to the order dated 18.05.2020 passed in

CWJC No.4320/2017.



3. Learned counsel for the petitioner submits that by the order of which contempt has been alleged, this Court directed the concerned respondents to ensure payment of all admissible dues to the petitioner (including the arrears, if any) within a period of 60 days from the date of receipt/production of a copy of the order. This Court also clarified that such admissible payment made to the petitioner shall be without prejudice to his rights and contentions in the pending writ application being CWJC No. 7208/2014.

4. Learned counsel submits that the order dated 18.05.2020 was passed after recording the statement of learned counsel for the State wherein he had submitted that so far as the admissible amount payable to the petitioner is concerned, the respondent authorities should not have any difficulty in paying the admissible amount and to that extent an appropriate direction may be issued.

5. This Court has been informed that after the aforesaid order was passed, the Joint Secretary, Social Welfare Department, Government of Bihar has passed an order contained in Memo no. 598 dated 09.02.2021 (Annexure 'A' to the show cause filed on behalf of the opposite party no. 1, 2, 3 and 6). From Annexure 'A', it appears that by way of



admissible payment, the petitioner has been paid a sum of Rs. 1,30,329/- on account of Group Insurance and sanction was also granted for payment of his admissible amount under the General Provident Fund.

6. This Court has been further informed that vide Annexure 'B' to the show cause the petitioner has been paid a sum of Rs. 3200/- which was lying in his GPF account.

7. So far as the leave encashment is concerned, vide Annexure 'A' to the show cause, it has been held that the petitioner was unauthorizedly absent during the period 06.05.1988 to 31.08.1988, 19.07.1991 to 10.10.1993, 17.07.1998 to 27.08.2008 and from 10.03.2010 to 17.03.2010 (approximately 13 years). As a result whereof a departmental proceeding was initiated against him. It has been stated in Annexure 'A' that the petitioner would not be entitled for the earned leave.

8. Learned counsel for the petitioner submits that as per the statements made by learned counsel for the State as recorded in the order of this Court on 18.05.2020 the petitioner should have been paid at least 50% of his pension amount. It is further submitted that Annexure 'B' to the show cause does not disclose the manner in which the total amount



payable under the GPF has been calculated. Learned counsel seriously questions the amount of Rs. 3200/- paid to the petitioner.

9. On the other hand, Mr. Krishna Kant Singh, learned counsel for the State has opposed this application. Referring to the statements made in the show cause and the supplementary show cause filed on behalf of the concerned opposite parties, learned counsel submits that the order of which contempt has been alleged clearly takes note of Annexure '22' of the writ application. It is submitted that Annexure '22' had been challenged by the petitioner in CWJC No. 7208/2014 but the said writ application has been dismissed long back for non-prosecution. In such circumstance, learned counsel submits that as per Annexure '22' 100% of the pension including gratuity of the petitioner has been forfeited and by no stretch of imagination it can be said that 50% of the pension amount would be payable to the petitioner as an admitted amount.

10. So far as the GPF amount is concerned, learned counsel for the State does admit that a proper calculation of the amount should have been shown in Annexure 'B' to the show cause. Learned counsel submits that if some time is



granted to the concerned opposite parties, the petitioner will be made available a complete calculation of the amount paid to him under the General Provident Fund.

11. Having heard learned counsel for the petitioner and the State, this Court finds substance in the submission of learned counsel for the State. On perusal of Annexure '22' of the writ application, it would appear that the disciplinary authority had earlier taken a decision to forfeit only 50% of the pension amount but later on the said decision was reviewed and this time the disciplinary authority decided to forfeit 100% of the pension including gratuity. It is this Annexure '22' which was challenged by the petitioner in CWJC No. 7208/2014, but, for the present, the said writ application is said to be lying as dismissed for default.

12. Be that as it may, this Court is of the considered opinion that no case for initiation of a proceeding of contempt is made out. So far as payment on account of GPF is concerned, learned counsel for the State has undertaken to make available a complete calculation of the amount paid to the petitioner under the GPF head. The concerned opposite parties are, therefore, obliged to provide the said calculation to the petitioner within a period of six (6) weeks from today.



13. It goes without saying that in case the petitioner is not satisfied with the said payment, he will be at liberty to seek his remedy against the same in accordance with law.

14. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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