

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1431 of 2017

In
Miscellaneous Jurisdiction Case No.3238 of 2012

=====

Mangal Singh Son of Late Sukhdeo Singh, Resident of Village- Sohara, P.O.-
Kanchanpur, P.S.- Naubatpur, Via- Bihata, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Anjani Kumar Singh, The Chief Secretary Of Bihar Old Secretariat, Patna father's name not known to the petitioner.
2. Sri P.K. Thakur, Director Central-cum- Inspector General of Police Govt. of Bihar, Home Police Dep father's name not known to the petitioner.
3. Sri Shalin, Deputy Inspector, General of Police, Central Range, Patna Office near S.K. Memorial Hal father's name not known to the petitioner.
4. Sri Dhamendra Kumar, Accountant General of Bihar, Mahalekhakar Bhawan, Veer Chand Patel Marg, Patna father's name not known to the petitioner.
5. Sri Rajesh Kumar, Senior Superintendent of Police, Bhagalpur. father's name not known to the petitioner.
6. Vijay Kumar Azad, Treasury Officer, Patna Collectoriast, Treasury, Patna. father's name not known to the petitioner.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Chandra Nawal Kishor
For the State	:	Mr. Suman Kumar Jha, AC to AAG 3

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 06-10-2023 Heard Mr. Chandra Nawal Kishor, learned counsel

 appearing on behalf of the petitioner and Mr. Suman Kumar Jha,

 learned counsel for the State.

2. The petitioner by pressing the present application
seeking initiation of a contempt proceeding against the opposite
parties for their alleged wilful defiance of the order of this Court
dated 04.12.2015 passed in MJC no. 3238 of 2012, whereby the



petitioner was directed to file detailed representation before the Competent Authority, who was under obligation to examine the case of the petitioner and pass a reasoned order within a period of six months.

3. Show cause affidavits have been filed on behalf of the opposite parties no. 4 and 5. By referring to the averments made in the show cause it is submitted that all the substantive retiral dues/consequential benefits have been paid to the petitioner. So far the claim of the petitioner for his entitlement with respect to 20% D.A. calculation on gratuity is concerned, it is submitted that the petitioner has retired with effect from 31.01.1994 and as such in terms of the resolution dated 16.05.1995 it has been made clear that the employees who have retired after 16.09.1993 will be entitled for 20% of D.A. on gratuity and accordingly the same has been made to the petitioner.

4. Learned counsel for the petitioner while refuting the contention of the State, submitted that the aforesaid resolution is not applicable in the case of the petitioner as he had superannuated on 31.01.1994 and the resolution came into effect in 1995. He further submits that certain interest over the GPF amount has also not been paid to the petitioner. Learned



counsel for the petitioner heavily relied upon Ordinance No. 3 of the year 2002, which is said to be applicable in the case of the petitioner.

5. Having considered the purport and intent of the order under contempt as also the materials available on record and the submissions advanced on behalf of the parties, the present contempt petition stands disposed of having found the order of this Court been substantially complied with.

6. However, if the petitioner has still any grievance he can approach before the Competent Authority by filing a separate petition/representation.

(Harish Kumar, J)

Anjani/-

U			
---	--	--	--

