

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1871 of 2024

In
Civil Writ Jurisdiction Case No.20001 of 2021

=====

Ashok Kumar Singh son of Chatra Narayan Singh, resident of Mohalla-
Balkrishan Nagar Surkhikal, Tilkamanjhi, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Government of Bihar, Patna, namely Sri Chaitanya Prasad.
2. The Chief Engineer, Flood Control and Water Discharge Department of Water Resources, Katihar Shivir Purnea, namely Shri Mithilesh Kumar Jha.
3. The Superintending Engineer, Flood Control Circle, Irrigation Colony, Jawaripur, District-Bhagalpur namely Sri Mukesh Kumar.
4. The Executive Engineer, Flood Control Division, Naugachhiya, District-Bhagalpur, namely Shri Mukesh Kumar.
5. The Executive Engineer, Planning and Design, Department of Water Resources, District- Aurangabad, namely Sri Umesh Mukhiya.
6. The Executive Engineer, Investigation and Planning Division, Gandak Area Development Authority, Motihari, namely Sri Chanchal Kumar.
7. The Treasury Officer, Sub-Treasury, Naugachhiya, District- Bhagalpur, namely Sri Devendra Kumar. Bhagalpur.
8. The Principal Accountant General (A and E), Bihar, Birchand Patel Path, District- Patna, namely Sri namely Sri Raj Kumar (II).

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Adv.
For the Opposite Party/s	:	Mr. Vinay Kirti Singh, G.A. 2
		Mr. Venkatesh Kiti, A.C. to G.A. 2
For the Accountant General	:	Mrs. Nivedita Nirvikar. Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the

admitted retiral dues has not been paid to him within ten months

as was directed. However, in some of the payment which has



been made, but 9 per cent interest has not been charged even after specific direction of the Court.

3. Learned Counsel for the State submits that show-cause has been filed, in which it has been mentioned that all admitted dues have been paid to the petitioner. Counsel further submits that the payment of GPF amount at the tune of Rs. 12,17,602/- house rent allowance as well as medical benefit at the tune of Rs. 1,81,941/- has been paid to the petitioner which has been made in between 01.03.2013 to 30.09.2013. He further submits that arrears of salary arising between 01.02.2015 to 10.07.2015 comprising dearness allowances as well as house rent and medical benefit at the tune of Rs. 1,59,236/- has been paid to the petitioner. Counsel submits that arrears of salary dearness allowances as well as house rent and medical benefit from 01.08.2014 to 31.12.2014 at the tune of Rs. 1,45,290/- has been paid to the petitioner as well as sanction of GIS amount of Rs. 2,25,932/- has also been paid to the petitioner. Counsel submits that arrears of salary from 29.06.2018 to 30.09.2018 and from 01.01.2019 to 31.01.2019 dearness allowances, house rent and medical benefit at the tune of Rs. 1,98,357/- has been paid to the petitioner. Counsel further submits that arrears of salary, dearness allowances, house rent and medical benefit



from 01.01.2019 to 30.01.2019 at the tune of Rs. 53,982/- has been paid to the petitioner. Similarly, for the period of 29.06.2018 to 30.09.2018 arrears of salary, house rent, dearness allowance medical benefit at the tune of Rs 1,44,375/- has been paid to the petitioner. Counsel submits that the admitted dues has been identified by the respondent and have already been paid. Counsel further submits that substantial post-retirement dues as well as arrears of salary have also been paid to the petitioner, while/and that only the payment of pension and gratuity which is left is under process and the same will be paid to the petitioner after issuance of authority letter by the Accountant General, Bihar, Patna.

4. In the light of the submissions made by the parties and upon going through the order dated 06.01.2023 passed in CWJC No. 20001 of 2021, it transpires to this Court that direction was also made to the petitioner to present himself before the office of respondent twice a month, but from the record it transpires that he did not present himself as instructed.

5. As such, this Court is of the firm view that respondent shall not be held under contempt. Hence, there seems need for payment of 9 per cent interest as the petitioner himself wilfully failed to comply the Court's order.



6. Hence, this MJC petition is disposed off granting liberty to the petitioner to pursue his arrears, if not paid, before the authority, by a fresh representation.

(Dr. Anshuman, J.)

Aman Kumar/-

U			
---	--	--	--

