

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.141 of 2018

In
Civil Writ Jurisdiction Case No.15575 of 2015

=====

Kumari Manju Lata Wife of Sri Phanindra Jha Resident of Mohalla - Shastri Nagar, P.O. Ramna, P.S. Mithanpura, District - Muzaffarpur, Retired Assistant Teacher, Women's Teachers Training College Sanlagn Pathshala Rambagh, Muzaffarpur

... .. Petitioner/s

Versus

1. Principal Secretary, Human Resource Department, Government Of Bihar, Patna.
2. Director, Education Department, Government of Bihar, Patna
3. Regional Deputy Director of Education, Muzaffarpur
4. Principal, Women's Teachers Training College/DIET, Rambagh, Muzaffarpur
5. Accountant General, Bihar, Patna
6. The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s	:	Mrs. Shilpa Singh, GA-12
		Ms. Neetu Jha, AC to GA-12
For the O.P. No. 4	:	Mr. Bipin Bihar Singh, Advocate
		Mr. Shyama Kant Singh, Advocate
For the O.P. No. 5	:	Mr. Ram Kinker Choubey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 29-07-2025 Heard learned counsel for the parties.

2. This contempt petition has been filed alleging violation of the order dated 10.08.2017 passed in C.W.J.C. No. 15575 of 2015, wherein, this Court had passed the following order:

*“...The Court is of the
opinion that once even though
departmental proceeding under rule*



43(b) of the Bihar Pension Rules is pending against the petitioner, at the same time the petitioner may not be debarred from getting the provisional pension. In that view of the matter, it is necessary to direct the Respondents to pay provisional pension regularly to the petitioner that will be subject to result of the departmental proceeding. So far as claim of gratuity is concerned, the Court is of the opinion that same shall be kept in abeyance till the end of departmental proceeding.

The Court expects that the Respondents Department may take appropriate steps, so that the departmental proceeding against the petitioner under Rule 43(b) of the Bihar Pension Rules may come to an end at the earliest preferably within a period of nine months from the date of receipt/production of a copy of this order.

With above observation and direction, the writ petition stands disposed of.”

3. Opposite party no. 3 has filed a show cause, wherein, in paragraph nos. 4 & 5 it has been stated as under:

“4. That according to the



direction given by the Hon'ble High Court in the aforesaid C.W.J.C. No. 15575 this deponent has already concluded the departmental proceeding on the basis of the joint inquiry report submitted by District Education Officer, Muzaffarpur and District Programme Officer, Establishment, Muzaffarpur who have recommended for major punishment to the petitioner because of the proven charges against her. It is further submitted that on receipt of the aforesaid enquiry report this deponent issued second show-cause notice to the petitioner but she didn't reply by being present in the office of this deponent rather she sent her reply by the registered post which is not acceptable. It appears that the petitioner does not intend to co-operate in concluding the departmental proceeding.

5. That under the aforesaid circumstances this deponent has concluded the department proceeding by imposing major punishment in terms of seizing the admissible pension and gratuity of the petitioner vide memo no. 1195 dated 19-09-2019 on the ground that all the charges against her are



*proven by the Enquiry officer as well
as Conducting officer.”*

4. On perusal of the averments made by the O.P. No. 3
in the show cause filed as extracted hereinabove, I find that the
order passed in the writ petition has been duly complied with by
the opposite parties.

5. Accordingly, the contempt petition stands closed
and disposed off.

(Nani Tagia, J)

Nilmani/-

U			
---	--	--	--

