

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4193 of 2019

In
Civil Writ Jurisdiction Case No.14237 of 2018

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Dhrub Prasad Munshi, Son of Late Rameshwar Munshi, Resident of Village-
Daludih, P.S.- Rajganj, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Deepak Kumar, Chief Secretary, Bihar, Patna.
2. Mr. Binay Kumar, Principal Secretary, Rural Works Department, Bihar, Patna.
3. Mr. Dilip Kumar, Director, Provident Fund, Indira Bhawan, Patna.
4. Mrs. K. Mani, Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Prabhu Nath Pathak, Advocate
For the State	:	Mr. Sanjeet Kumar Singh, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

2 22-04-2025 This contempt petition has been filed alleging violation of the order dated 17.05.2019 passed in C.W.J.C. No. 14237 of 2018.

2. The aforesaid writ petition was filed by the petitioner praying for payment of pension, gratuity, leave encashment of 300 days, provident fund amount with statutory interest. The writ petition was disposed of by order passed on 17.05.2019, wherein this Court had passed the following order :

“Considering the nature of claim,
made by the petitioner, the petitioner is
directed to file a detailed representation



before the respondent no. 2, the Principal Secretary, Rural Works Department, Bihar, Patna, which will be disposed of within a period of three months from the date of such representation. Any amount due to the petitioner along with admissible interest will be paid within a period of one month thereafter. If certain amounts are inadmissible, the same shall be communicated to the petitioner by a speaking order sent through registered post.

The writ application stands disposed of, accordingly.”

3. Pursuant to the aforesaid order dated 17.05.2019 passed in the writ petition, the petitioner had submitted representation before the Principal Secretary, Rural Works Department, Bihar, Patna on 22.05.2019 (Annexure 2 to the contempt petition).

4. Opposite Party No.2 / the Principal Secretary, Rural Works Department, Bihar, Patna has filed a show cause, wherein, in paragraph Nos. 6, 7, 8, 9, 10, 11, 12 and 13 it has been stated as under:

“6. That in compliance of the aforesaid order the petitioner submitted his representation before the Secretary, Rural Works Department, Bihar, Patna on 22.05.2019.



7. That considering the representation of the petitioner, the Secretary, Rural Works Department, Bihar, Patna initiated a proceeding of hearing with respect to the issues of the petitioner and accordingly directed the concerned Executive Engineer, Local Area Engineering Organization, Work Division-1, Bhagalpur and the petitioner to remain present on the date fixed for hearing.

8. That on the date of hearing the concerned Executive Engineer and the petitioner appeared and produced the relevant records and documents.

9. That on the basis of the evidence produced by the concerned Executive Engineer, it transpired that the petitioner has already been sanctioned 90% provisional pension and the amount of Group Insurance, so far as the payment of GPF., amount is concerned, the Final Withdrawal Application form (BTC form-56) has already been forwarded to the concerned District Provident Fund Officer by the concerned Executive Engineer. Thus only the amount of earned leave, Gratuity and final pension has not been paid to the petitioner.

10. That it is further transpired during hearing that there are two departmental proceedings running against the petitioner and sanction for prosecution has also been given in one criminal matter/proceeding.



11. That during hearing the Executive Engineer reported that the District Magistrate, Bhagalpur vide his letter no.990/G.O. dated 11.10.2019 has directed to lodge FIR against the petitioner and others in the matter of fencing of Kabristan and to initiate the process for recovery of the amount and accordingly from Praptra K for initiation of departmental proceeding.

12. That it was further reported by the Executive Engineer, that the unaccommodated amount of Rs.16,68,283/- against the petitioner under NREP head has come to Rs.5,03,852/- but the pending advance amount of Rs.32,24,603/- under Mukhya Mantri Vikas Yojana stands against the petitioner is still unaccommodated.

13. That keeping in view the aforesaid facts and evidences produced by the Executive Engineer, NREP, Rural Works Division, Work Division-1, Bhagalpur and after giving opportunity of hearing to the petitioner, the Secretary, Rural Works Department, Bihar, Patna came to the decision vide reasoned order dated 14.10.2019 that the final decision with respect to payment of pension to the petitioner can be taken only on completion of statutory proceedings and for present provisional pension has already been sanctioned in favour of the petitioner and further ordered for recovery of entire unaccommodated amount from the amount



of gratuity and unearned leave salary of the petitioner. If any amount stands balance after such accommodation in that case the said amount will be kept safely by the Rural Works Department in light of the pending process of recovery, and if the unaccommodated amount cannot be accommodated from the amount of gratuity and unearned leave, in that case, the Executive Engineer, NREP, Work Division-1, Bhagalpur will institute Certificate case against the petitioner for recovery of due amount.”

5. On perusal of the averments made by the Opposite Party No.2 in paragraph Nos. 6, 7, 8, 9, 10, 11, 12 and 13 of the show cause filed, I find that in compliance of the order dated 17.05.2019 passed in C.W.J.C. No. 14237 of 2018, the Opposite Party No.2 / the Principal Secretary, Rural Works Department, Bihar, Patna has examined the matter in detail and passed a reasoned order on 14.10.2019 as indicated in paragraph 13 of the show cause. A copy of the order dated 14.10.2019 passed by the Principal Secretary, Rural Works Department, Bihar, Patna has also been enclosed as Annexure-A to the show cause. On perusal of the show cause filed by the Opposite Party No.2 / the Principal Secretary, Rural Works Department, Bihar, Patna as well as the order dated 14.10.2019 as indicated hereinabove, I



find that the order dated 17.05.2019 passed in C.W.J.C. No. 14237 of 2018 has been duly complied with by the Opposite Party No. 2.

6. Accordingly, the contempt petition stands closed and disposed of.

(Nani Tagia, J)

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