

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No. 3702 of 2024**

**In**  
**Letters Patent Appeal No.1293 of 2019**

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Chanarik Baitha Son of Late Sukhlal Baitha Resident of Mohalla-Shipara  
East, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. Sri Amrit Lal Meena Name not Known to the Petitioner, Chief, Secretary, Government of Bihar, Main Secretariat, Patna.
2. Smt. Harjot Kaur Banhrah Name of the husband not Known to the Petitioner Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. Sri----not Known Joint Secretary, Department of Social Welfare, Government of Bihar, Patna (Post Lying Vacant.)
4. Sri Kaushal Kishore not Known to the Petitioner Director, Directorate of Integrated Child Development Services (ICDS), Social Welfare Department, Government of Bihar, Indira Bhawan, 2nd Floor, Ram Charitra Singh Path, Boring Canal Road, Patna.
5. Sri Anand Kishore Name not Know to the Petitioner, Commissionre and Secretary, Department of Finance, Main Secretariat, Government of Bihar, Patna.
6. Sri Pushkar Kumar Name of not Known to the Petitioner Accountant General, Bihar, Beer Chand Patel Path, Patna.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                                |
|--------------------------|---|----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Kishore Kumar Thakur, Adv.<br>Mr. Braj Kishore Singh, Adv. |
| For the Opposite Party/s | : | Mr. Sunil Kumar Mandal, SC-3<br>Mr. Bipin Kumar, AC to SC-3    |
| For AG                   | : | Mr. Binod Kumar, Adv.                                          |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

5      13-02-2026                      Heard learned counsel for the parties.

2. The instant application has been filed alleging  
violation of the judgment dated 17.10.2023 passed in LPA No.



1293 of 2019.

3. The writ application (CWJC No. 6834 of 2017) filed by the petitioner was decided directing that the writ petitioner should be treated to have been absorbed on and from the date of deputation and should be granted the pensionary benefits in terms of the pension rules which were operational at the relevant time.

4. The State of Bihar came to challenge the said order passed in the writ application by filing which was dismissed with exemplary cost in the following terms:

*The Letters Patent Appeal is dismissed with exemplary cost of Rs. 10,000/- (ten thousand) payable to the first respondent together with the other retirement dues applicable to him; for the attitude of the Government, which does not ordinarily behove a welfare State; especially in the teeth of the inter-parties judgment. It is also made clear that if the pension dues are not paid within the time stipulated, it shall carry 9% interest from the beginning of the fourth month from today, till it is paid. If any gratuity remains to be paid, it goes without saying that it shall carry interest @ 9% from the expiry of one month from the date of his retirement till the date of payment; if not already paid.*

5. Show cause has been filed on behalf of the



opposite parties and it is submitted by learned counsel for the opposite parties that the order from which the instant contempt application arises has been complied with.

6. In response, it is strongly contested by learned counsel appearing for the petitioner that the order from which the contempt application arises has not been complied with insofar as the pension payable to the petitioner is concerned, the same has not been fixed on the last pay drawn. Further, a part of the gratuity to which the petitioner is entitled has also not been paid in view of some part of the period which the petitioner worked has been left out in calculating the amount payable. Further, the opposite parties have not even taken into account Section 2 and 4A of the Payment of Gratuity Act in calculating the amount of gratuity to be paid.

7. In our opinion, the contentions raised by the petitioner cannot be gone into in a contempt application where the scope is limited. These contentions will have to be raised by the petitioner in a fresh writ application.

8. In view of the facts and circumstances stated herein above, in the opinion of the Court, the order from which the instant contempt application arises having been substantially complied with, nothing remains to be decided further herein.



9. The instant application stands disposed of.

**(Partha Sarthy, J)**

**( Rajiv Roy, J)**

Vijay Singh/-

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