
(2020) 02 PAT CK 0020

Patna High Court

Case No: Miscellaneous Jurisdiction Case No. 3404 Of 2017

Narendra Kumar Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Feb. 5, 2020

Hon'ble Judges: Ashwani Kumar Singh, J

Bench: Single Bench

Advocate: Braj Kishore Singh, Pushkar Narayan Shahi

Final Decision: Dismissed

Judgement

1. Heard learned counsel for the petitioner and learned counsel for District Board, Bhojpur, Ara.
2. The petitioner has filed the present application for initiation of contempt proceeding against the contemnors/opposite parties for the deliberate and willful disobedience of the order dated 21.08.2017 passed in CWJC No.9018 of 2015.
3. By the aforesaid order, the opposite party nos. 4 and 5 were directed to pay all the admissible retiral dues to the petitioner as early as possible but not later than three months from the date of the order. It was further directed that in case, the payment is not made within three months, the petitioner would be entitled to receive a cost of Rs.1,00,000/-.
4. A show-cause has been filed on behalf of respondent no. 4 stating therein that all the payments as directed by this Court has already been paid to the petitioner. Since there was some delay in payment of retiral dues to the petitioner, payment of Rs.1,00,000/- as cost has also been made.
5. Para 6 and 7 of the show-cause filed by respondent no. 4 reads as under:-

6. That the answering opposite party has got enquired the matter from the office of the Zila Parishad and come to know that as far as payment of the entitlement of the retiral dues of the petitioner is concerned from the office of the Zila Parishad all the payment as directed by this Honâ€™ble Court has already been paid to the petitioner.

It is submitted that though it is a fact that the payment as stated above here not been made within the time limit granted by this Honâ€™ble Court and

directed by the order dated 21.08.2017 passed in CWJC No.9018 of 2015. It is stated that in respect of C.P.F. the petitioner has been paid

Rs.2,89,412.00/- and in respect of the Gratuity, leave encashment and other entitlement the petitioner has been paid Rs.12,18,973.00/- which could

very well be appreciated by perusal of the Memo No.294 dated 22.08.2019 and the deposit slip all 3913/19 in respect of the C.P.F.

7. That it is humbly submitted that as far as payment of Rs.1,00,000/- as cost of concerned which has been directed to this Honâ€™ble Court for

payment in eventuality of delay in payment after three months of the date of order is concerned, it is submitted that since admittedly there have been

delay in payment as indicated by this Honâ€™ble Court the office is in process of payment of the aforesaid amount of cost and it has been paid to the

petitioner by memo no.377 dated 22.10.2017 and has been deposited in his account.â€™

6. Learned counsel appearing for the petitioner does not dispute that the payments as stated in the aforesaid paragraph 6 and 7 have been received by

the petitioner.

7. Regard being had to the averments made in the show-cause filed on behalf of respondent no. 4 as quoted hereinabove, I am of the opinion that no

case for initiation of contempt proceeding is made out. Accordingly, the application is dismissed.