

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 648 of 2012

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Tara Kant Chaudhary S/o Late Ram Avatar Chaudhary, resident of Babu Saheb Coloney, P.S. Bahadurpur, Laheriasarai, District & in the town of Darbhanga.

.... **Petitioner**

Versus

1. The State of Bihar through Sri Navin Kumar, S/o not known, presently posted as the Chief Secretary, Govt. of Bihar, Main Secretariat, Patna-1.
2. Sri Sudhir Kumar, s/o not known, presently posted as the Principle Secretary, Building Construction Department, Bishweshwariya Bhawan, Baily Road, Patna.
3. Sri Pratya Amrit, s/o not known, presently posted as the Principle Secretary, Road Construction Department, Bishweshwariya Bhawan Bailey Road, Patna.
4. Sri Amerendra Bhusan Singh, s/o not known, presently posted as the Deputy Secretary, (Pension Cell) R.C.D., Bishweshwariya Bhawan Baily Road, Patna.
5. Sri Satendra Narayan Singh, s/o not known, presently posted as the Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
6. Sri Anil Kumar Sinha, s/o not known, presently posted as a post of the Executive Engineer, National Highway Division, Motihari.
7. Sri Om Shanti Kumar, s/o not known, presently posted as the Executive Engineer, Building Construction Department Madhubani, East Champaran.
8. Sri D.S.Dhaliwal, s/o not known, presently posted as the Accountant General of Bihar, Birchand Patel Path, Patna-1.

.... **Opposite Parties**

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Appearance :

For the Petitioner/s : Mr. Shankar Dayal Singh

For the Respondent/s : Mr. R.K.Verma, SC-27


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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 31-07-2013 Heard learned counsel for the petitioner and Sri

Rajesh Kumar Verma, learned Standing Counsel No. 27.

The present petition was filed with a prayer to



initiate contempt proceeding against opposite parties on allegation of willful disobedience to the order dated 03-02-2011 passed in C.W.J.C. No. 2178 of 2011 by this Court. While allowing the writ petition, the Court had directed the opposite parties to take steps to clear all the retiral dues of the petitioner and even in case of refusal, direction was to pass speaking order. It was further indicated that the petitioner will be entitled to get admissible interest on delayed payment.

In this case, show cause has been filed on behalf of opposite parties, particularly; opposite party nos. 2 to 7, wherein; it has been indicated that order has been complied with and all retiral dues of the petitioner have already been cleared. This submission has been accepted by the learned counsel for the petitioner and by supplementary affidavit, which was filed on 25th July, 2013, the petitioner has brought on record, the speaking order passed by the Road Construction Department, Govt. of Bihar, in compliance with the order of this Court. On perusal of the same, it appears that the petitioner was even paid 5% statutory

interest.

Learned counsel for the petitioner submits that though amount in respect of leave encashment to the tune of **Rs. 3,85,515/-** (three lacs eighty five thousand five hundred & fifteen) was sanctioned, but it was paid after about six months. It was further submitted that this amount was required to be paid to the petitioner immediately after retirement, but it was not paid. Subsequently, at belated stage, this amount was paid and that too, without any interest on delayed payment. According to him, as per order of this Court, the respondents are required to pay interest on the amount of leave encashment also.

Sri Rajesh Kumar Verma, learned Standing Counsel No. 27 has opposed the prayer of the petitioner up-to this extent and he submits that there is no statutory provision for payment of interest over the amount of leave encashment. He further submits that order of this Court has already been complied with.

In view of the fact that entire retiral dues have already been paid to the petitioner and also in compliance

with the order of this Court, a reasoned order has been passed, which has been brought on record, as **Annexure '4'** to the supplementary affidavit, after hearing the parties and considering the materials available on record, particularly; **Annexure '4'** to the supplementary affidavit, the Court is of the opinion that it is not a fit case for initiating contempt proceeding against the opposite parties.

The petition stands dismissed.

(Rakesh Kumar, J.)

Anay