
(2002) 08 JH CK 0048
In the Jharkhand High Court
Case No : MJC No. 120 of 2002

Birendra Kumar Singh

APPELLANT

Vs

S.P. Keshav, Administrator, B.S.R.T.C. and Others

RESPONDENT

Date of Decision : 08-08-2002

Acts Referred:

Citation : (2002) 08 JH CK 0048

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.K. Sahni, for the Appellant; S.N. Pathak, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the petitioner and the contemnors-officials of the Bihar Slate Road Transport Corporation (Corporation for short).

2. It appears that this Court while disposed of CWJC No. 1425 of 2002(R), vide order dated 30th January, 2001, directed the contemnors to pay the petitioner the subsistence allowance for the period of suspension, if not yet paid, by 3rd February, 2001. The total subsistence allowance, as alleged to have not been paid, the present contempt application has been preferred.

3. Admittedly, the contemnors have paid a sum of Rs. 16,585/- to petitioner towards subsistence allowance.

4. Mr. P.P.N. Roy, the counsel for the Corporation submits that the rest of the amount could not be paid because of paucity of fund.

5. Mr. Roy placed before the Court an order passed by this Court from which it appears that the employees of Corporation and retired employees/their wards having not paid salary/or death-cum-retiral benefits because of paucity of fund, the matter moved upto Supreme Court in Civil Appeal No. 9290/94, State of Bihar v. Surajdeo Singh and Ors.

6. The Supreme Court is monitoring the matter and as per its direction, a scheme has been framed by the State Government who is releasing fund from

time to time. The counsel for the Corporation submits that the fund which is being released by the State Government is distributed in terms with the scheme. The employees have also not been paid full salary of the period during which the petitioner was under suspension.

7. In the facts and circumstances, there being no deliberate laches on the part of the contemnors-opposite parties, nor any deliberate and willful violation of the Court's order, I find no reason to proceed against the opposite parties. They are better advised to act as per the Supreme Court's direction and the scheme as framed on Court's direction.

8. If, as per Supreme Court's order and scheme, the petitioner is entitled to receive any amount immediately, may bring the same to the notice of the Chief Accounts Officer of the Corporation at Patna.

9. The contempt application stands disposed of accordingly.