
(2003) 01 JH CK 0052

In the Jharkhand High Court

Case No : Contempt (Civil) Case No. 849 of 2001

Birsai Bhagat

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-01-2003

Acts Referred:

Contempt of Courts Act, 1971 — Section 2B(12)

Citation : (2003) 2 JCR 2

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Nawal Kishore, for the Appellant; A.K. Mehta, SC-I, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. Nawal Kishore, learned counsel for the petitioner and Mr. A.K. Mehta, learned SC-I for the respondents.

2. Pursuant to the order this Court passed on 7.1.2003, the Deputy Commissioner-cum-Settlement Officer, Ranchi is present in Court alongwith the Treasury Officer, Gumla.

3. The Deputy Commissioner, Mr. Jai Shankar Tiwari has submitted that he has joined Ranchi only in September, 2002 but the moment he came to know about this matter he immediately took action. Learned counsel for the petitioner also submits that from a perusal of the show cause filed by the Treasury Officer, Gumla it would be apparent that the amounts due to the petitioner have now been calculated towards arrears of pension and that a sum of Rs. 1,000/- towards gratuity after adjusting provisional payments made by the department has been found payable.

4. This Court appreciates the swift action initiated by the present Deputy Commissioner but does not appreciate the lethargy shown by other officers who did not take any step towards mitigating the grievances of the writ petitioner as a result whereof he was forced to run from post to pillar and pillar to post since

1998. Inaction is writ large in this case. It violates constitutional safeguards. The State and its Officers are expected to act with all expedition especially when they are dealing with the rights of citizens of India. Pensionary benefits are rights and are not charity which are doled out at the mercy of the State Officers.

5. In view of the fact that the petitioner has suffered for such a long period, it shall not be his responsibility to approach the officers of the State to receive his pensionary benefits. On the contrary, the Deputy Commissioner who is present in Court is directed to ensure that the Treasury Officer personally visits the residence of the petitioner wherever he be staying within two weeks from today and hand over all payments to him which have been calculated. If there are any paper work and/or procedural formalities then the same must also be done at the same place so that justice is now delivered at the door step of the petitioner. This is the least that the State must do for him.

6. Similarly, the State must also now consider the desirability of compensating the petitioner by giving him statutory interest and for this, he is given liberty to hand over a short representation to the Treasury Officer at the time of receiving the amounts in the manner indicated above. The said representation will be addressed to the Deputy Commissioner who will deal with the matter and pass an order thereon within 2 (two) weeks from the date of its being received by the Treasury Officer, who must hand it over to him without any delay.

7. The contempt proceeding is dropped. Personal appearance dispensed with.