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**(2001) 05 JH CK 0044**  
**In the Jharkhand High Court**  
**Case No : Contempt Appeal No. 2 of 2001**

B.K. Sinha and Others

APPELLANT

Vs

Radhika Devi

RESPONDENT

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**Date of Decision :** 10-05-2001

**Acts Referred:**

**Citation :** (2003) 1 LLJ 955 : (2001) 4 CCC 434

**Hon'ble Judges :** Vinod Kumar Gupta, C.J.;D.N. Prasad, J

**Bench :** Division Bench

**Advocate :** P.P.N. Roy and S.N. Pathak, for the Appellant; S.L. Agrawal, for the Respondent

**Final Decision :** Dismissed

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## Judgement

1. This appeal is directed against the order dated 10th April, 2001, passed by the learned Single Judge of this Court. The learned Single Judge, while dealing with the contempt application filed by the respondent, had issued a direction to the appellants to release the entire retiral dues of the deceased-husband of the respondent within seven days from the date of passing of the aforesaid order.

2. It is worth recalling that the contempt application in question (MJC No. 593/1999R), from out of which the aforesaid order dated 10th April, 2001 has arisen, was filed by the respondent, Radhika Devi, because, according to her. the original Judgment of this Court passed on 20.1.1998 in the writ petition being CWJC No. 1328/1997R was not complied with. The deceased husband of the respondent being an employee of the Corporation had filed the aforesaid writ petition in this Court seeking the relief of payment of certain outstanding dues and during the pendency of the writ petition, he having died the respondent Radhika Devi, the widow, was substituted. The writ petition was allowed and vide judgment dated 20.1.1998, the writ Court had issued a mandamus directing the appellants to pay certain amounts to the petitioner-respondent.

3. The respondent filed a contempt application being MJC No. 18/1999R because

her grievance was that despite the passing of the aforesaid judgment in the writ petition, the appellants had not paid any amount to her. On 5.8.1999, while disposing of the aforesaid contempt application, the learned Single Judge had directed the appellants to make payment of the amounts in question within one month from the date of the passing of the aforesaid order.

4. Admittedly and undoubtedly the appellants did not challenge the main judgment dated 20.1.1998 passed in CWJC No. 1328/ 97R. Undoubtedly also, the appellants did not file any appeal against the order dated 5.8.1999 passed in the first contempt proceedings. Today, when the matter came up for consideration, Mr. Roy, learned counsel appearing for the appellants, has drawn our attention to an order dated 16.4.2001 passed by the Supreme Court in I.A. Nos. 9-10 in Civil Appeal No. 7290/1994 wherein their Lordships of the Supreme Court have made certain observations with regard to the monitoring of the entire scheme by the Supreme Court in relation to the re-organization of the Bihar State Road Transport Corporation. In that order, their Lordships have observed that any order passed for withholding the salary of the Administrator has to be stayed. Mr. Roy has informed us very frankly and fairly that the operation of the impugned order dated 10.4.2001, in so far as it related to the stay of the drawing of salary of the Administrator has now been recalled by the learned Single Judge himself. However, Mr. Roy seeks reliance upon the aforesaid Supreme Court order to buttress his submission that in the light of the observations made in the aforesaid Supreme Court order and the directions contained therein, the appellants are not liable to pay any amount to the respondent-writ petitioner on the basis of the original judgment obtained by her on 20.1.1998 in CWJC No. 1328/1997R and despite the subsequent directions issued by the High Court in the first contempt proceedings, being order dated 5.8.1999 passed in MJC No. 18/99R. Mr. Roy's contention is that in view of the aforesaid Supreme Court order the appellants are not at all under any obligation to pay any amount to the respondent on the basis of the aforesaid two orders passed by this Court, but that the payment shall be made only the basis of the scheme and on the fund being provided by the State Government.

5. We have very carefully perused the aforesaid Supreme Court order dated 16.4.2001. Even though their Lordships in the said order have clearly observed about monitoring being done by the Apex Court with regard to the entire scheme and its implementation in relation to the reorganization of the Bihar State Road Transport Corporation, in the aforesaid order of the Supreme Court, we do not find any mention about the enforceability and implementation of a judicial order earlier passed by a writ Court which has assumed finality in all respects and the enforcement whereof is being sought by an aggrieved writ petitioner because of its non-implementation. To our mind, the reading of the aforesaid order of the Supreme Court suggests to us that this order in terms does not amount to granting a stay of an earlier order passed by a writ Court in judicial proceedings after proper adjudication in a lis between two parties and a later order passed in contempt proceedings arising out of the order passed in the aforesaid writ

proceedings. We are saying so because the respondents did not prefer any appeal to the appellate Court and allowed the aforesaid judicial order to have assumed finality in law. In other words, the respondents having allowed the order dated 20.1.1998 passed by the writ Court in CWJC No. 1328/1997R to have assumed finality, would the aforesaid Supreme Court order dated 16.4.2001 operate as a stay of the aforesaid order, is a question which we think should be answered in the negative.

6. Our reading of the aforesaid Supreme Court order suggests to us that their Lordships of the Supreme Court have been concerned with the monitoring of the scheme relating to the re-organization of the Bihar State Transport Corporation and that in that process in all orders passed by a writ Court on an adjudication of disputes between two parties and by a final culmination of judicial proceedings could not be considered to be covered by the scope of the directions contained in the said order. That is our understanding of the aforesaid Supreme Court order. That is our interpretation of the same.

Based on the aforesaid reasonings, therefore, we dismiss this appeal.

7. Appeal dismissed.