

(2012) 02 JH CK 0151
In the Jharkhand High Court
Case No : Cont. Case (Civil) No. 208 of 2010

Dr. Bahadur Singh

APPELLANT

Vs

Vinoba Bhave University and others

RESPONDENT

Date of Decision : 08-02-2012

Acts Referred:

Citation : (2012) 02 JH CK 0151

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel

1. Counsel for the petitioner submitted that the opposite parties have deliberately committed breach of an order, passed by this Court dated 12th February, 2001 in C.W.J.C. No. 100 of 2001 and therefore, the present contempt application has been preferred.
2. Counsel for the petitioner submitted that several amounts towards retirement benefits like leave encashment, University Grants Commission pay scale with effect from 1st January, 1996 have not been paid. These amounts are yet to be paid to the petitioner.
3. Counsel for the opposite parties submitted that they have filed a detailed show cause and it has been stated in paragraph no. 5 that the petitioner has paid arrears of pension from February, 2001 to April, 2008 amounting to Rs. 10,67,963/-. Likewise opposite parties have also paid gratuity to the tune of Rs. 2,26,446/- after deduction of the income tax.
4. It is further submitted by the counsel for the opposite parties that the petitioner was under suspension for much longer period for which subsistence allowance amounting to Rs. 3,00,000/- has been paid, as stated in paragraph nos. 5 and 6 to the show cause, filed by the opposite parties. So far as the leave

encashment is concerned, as the petitioner has worked in different colleges for the period running from 1967 to 1977, from all these colleges, upon receipt of details about the leaves, the amount shall be paid to the petitioner and so far as grant of University Grants Commission pay scale is concerned, upon receipt of the grant from the State Government, the all the differences of salary amount will be paid to the petitioner.

5. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that there is no willful disobedience of an order, passed by this Court dated 12th February, 2001 in C.W.J.C. No. 100 of 2001 by the opposite parties.

6. It appears that there is a settlement arrived at between the petitioner and the opposite party-University, which is at Annexure-7 to the memo of this contempt application. As per this settlement, the petitioner was to file an affidavit of his continuous service from 1967 to 1997. Moreover, as per Clause-4 of the settlement upon receipt of the details of leave statements from different colleges where the petitioner has served for the period running from 1967 to 1997 and after receiving the dues amount from the State Government, the same will be paid.

7. It appears from paragraph nos. 5 and 6 of the show cause, sizeable amount under different headings of the retirement benefits have been paid as stated hereinabove. So far as the grant of University Grants Commission pay scale is concerned, it has been stated in the show cause that provisional chart has been prepared for the payment and the same has been sent for its approval from the State Government and no sooner did this is approved by the State Government and no sooner did this grant is received from the State Government, the same will be given to the petitioner.

8. In view of these facts, I see no reason to initiate action under the Court of Contempt Act upon the opposite parties, as there is no willful disobedience of an order, passed by this Court dated 12th February, 2001 in C.W.J.C. No. 100 of 2001.

9. There is no substance in this contempt application, hence, the same is hereby, dismissed.