

(1996) 09 PAT CK 0006

In the Patna High Court

Case No : C.W.J.C. No's. 2666, 3490 and 5472 of 1996

Dr. Ganganand Jha

APPELLANT

Vs

The Lalit Narayan Mithila University and Others
 Ram
Bashisht Choubey Vs State of Bihar and Others

Chhotelal Poddar Vs Bihar State Khadi and Village Industries
Board and Others

RESPONDENT

Date of Decision : 17-09-1996

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1997) 1 PLJR 635

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Mayanand Jha, in C.W.J.C. No. 5472 of 1996, Ratan Kumar, in C.W.J.C. No. 3490 of 1996, Shailendra Kr. Sinha, in C.W.J.C. No. 2666 of 1996, Ajay Mukherjee, in C.W.J.C. No. 2427 of 1996, Madhukar Kishore Sinha, in C.W.J.C. No. 6461 of 1996, Ramnath Sharan, in C.W.J.C. No. 7578 of 1996, Sanjay Kumar Tiwary and Amar Prakash, in C.W.J.C. No. 9120 of 1996 and Sarvadeo Singh, in C.W.J.C. No. 9244 of 1996, for the Appellant; Azfar Hussain, for L.N.M.U. in C.W.J.C. No. 5472 of 1996, N.K. Sinha, Nawal Kishore Singh, in C.W.J.C. No. 2666 of 1996, Renuka Sharma in C.W.J.C. No. 2427 of 1996, Rakesh Prabhat, for A.G. in C.W.J.C. No. 6461 of 1996 and Parshuram Singh in C.W.J.C. No. 9120 of 1996, S.C. VII in C.W.J.C. No. 5472 of 1996, for the Respondent

Judgement

Radha Mohan Prasad, J.—As all these matters have been listed today at the instance of the learned Counsel for the Petitioners for their disposal in terms of the orders passed on 29.2.96 in C.W.J.C. No. 4265 of 1995 Mostt. Rukmini Devi v. The State of Bihar and Ors. reported in 1996 (1) All PLR 363 : 1996 (2) PLJR 348. With the consent of the parties they have been heard together and are being disposed of by this common order.

2. In all these petitions the grievance of the Petitioners is for payment of their post-retiral dues. By the aforementioned order passed in the case of Mostt.

Rukmini Devi v. State of Bihar and Ors., this Court, by general order directed that the concerned Government servants or their legal heirs and representatives should raise their claim afresh by filing representation in which they should give full details of their claim and also full address for communication henceforth before the concerned Heads of Departments, who shall grant a receipt in token thereof and the Heads of the respective departments shall get the entire claim filed before him examined through various concerned authorities including Director, Provident Fund/District Provident Fund Officers and finally dispose them of by a reasoned order dealing with each and every claim separately and shall also issue necessary sanction order/authority slip for payment of admitted dues with statutory interest as well as the interest as per various Government circulars/decisions taken in that regard within a period of two months of the receipt of the claim.

It was further held that the main responsibility for payment of all the admitted dues of the concerned Govt. servant shall be of the Heads of the concerned Departments, and in case of any dispute, in regard to any of the claims, they shall assign reason for not accepting the same and shall communicate to the concerned Govt. servant/person within the aforesaid time. It was further made clear that if any of the formalities, such as filing of the indemnity bond or succession certificates etc. are to be completed by the claimant then they must be communicated much before the expiry of the said period, so that the claimant may meet the said requirement and the delay in payment of the legitimate dues is avoided.

3. Similarly, the Accountant General, Bihar was also directed to issue necessary authority slip within one month of the receipt of the sanction order from the concerned authority in the State Government. It was also made clear that noncompliance of any part of the aforesaid directions by any of the concerned authorities would constitute contempt of this Court and will be seriously viewed, and this Court may also consider to award heavy penal interest and costs besides imposition of punishment in the contempt proceeding against the concerned Heads of Department/Accountant General, Bihar which shall be realised from their pocket.

4. Learned Counsel for some of the Petitioners, who were in the employment of the different authorities like Autonomous Bodies, Universities, Corporation and Public Sector Undertakings and not directly under the control of the State Government, submit that the authorities other than the State Government are not complying with the general direction of this Court given in the case of Mostt. Rukmini Devi as there is no specific direction to them in the said case. In some cases the learned Counsel for the authorities/Universities/Municipalities submit that there is no substance in the submission made above on behalf of some of the Petitioners, as the said general direction is being fully complied by other authorities also.

5. However, in view of the submissions made by the learned Counsel for the

Petitioners, I wish to make it clear that the said direction will also govern the cases of the employees working in different authorities/autonomous bodies/Universities/Municipalities/Corporation and Public Undertakings, which are under the writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India and the Heads of various such authorities are to comply with the directions given by this Court. It will be entirely their responsibility to see that the said direction in the case of Mostt. Rukmini Devi is fully complied. It is further made clear that shortage/non-availability of funds is no ground to deny the admitted claim/dues of the employees concerned. The authorities concerned has to take all initiatives to get the necessary funds made available for disposal of the claims of the employees with regard to post-retiral dues. They may also approach the State/Central Government, if there is any liability of the State/Central Govt. and the State/Central Government shall release the necessary fund according to its liability without any delay. I wish to make it further clear that the ultimate responsibility will be of the Heads of such authorities. However, in appropriate cases, if the authorities come with reasonable explanation that despite their best efforts the liability has not been discharged by the State/Central Government, by releasing the fund, then the action of the State Govt. will be seriously viewed by this Court.

6. With the above observations/directions all these cases are disposed of in terms of the directions given in the aforementioned case of Mostt. Rukmini Devi.

7. The above order is subject to deposit of deficit court fee stamps, if any, in any of these cases and removal of other defects. No certified copy shall be issued unless these defects are removed by the Petitioners.

8. Office is directed to get sufficient number of copies of this order prepared and keep one copy on the record of each of these cases.