

(2003) 09 PAT CK 0023

In the Patna High Court

Case No : C.W.J.C. No's. 7054, 7187, 7681, 7682, 7694, 7695, 7699, 7700, 7788, 7793, 7796, 7799, 7800, 7806, 7808, 7809, 7822, 7832, 7836, 7839, 7844, 7850, 7859, 7860, 7869, 7877, 7878, 7886, 7941, 7948, 7950, 7961, 7964, 7979, 7981, 8035, 8041, 8042, 8043, 8047,

Dr. Kashi Nath and Others

APPELLANT

Vs

State of Bihar and Others etc. etc.

RESPONDENT

Date of Decision : 19-09-2003

Acts Referred:

Citation : (2004) 4 PLJR 497

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In all these writ petitions the grievance of the petitioners relates to retiral dues/death-cum-retiral dues, which have not been redressed even after filing of the writ petition and service of notice long back. Under the High Court Rules the provision for service of two copies of the writ petition by way of notice was introduced to enable the Respondents to respond so that when the matter is taken up the pleadings are complete and no unnecessary adjournment is sought for.

2. This Court called upon learned counsel for the parties to file slip by 4.15 P.M. if the grievance has been redressed or any dispute is involved in any matter warranting consideration and decision on merit by this Court, but no slip has been filed so far. As such, in none of the cases, the Respondents have come up with redressal of the grievance. In almost every case counsel for the Respondents have simply been asking for adjournment to get instruction regarding redressal of the grievance. Earlier this Court had repeatedly cautioned them that they must be ready with up-to-date instructions, when the matter is taken up yet it seems that there has been hardly any response.

3. Such inaction on the part of the authority has led to piling up of number of writ petitions in this Court and one Single Judge Bench is kept engaged for whole

day and another Single Judge Bench is engaged half day and lot of time of Division Bench also is consumed on such matters. This, in my opinion, is sheer wastage of Court's time in matters over which the Executives/Respondents/Authorities are required to act. It is hardly in very few cases that any issue may be involved warranting judicial consideration and decision of this Court. Yet, for redressal of such grievance one has to stand in queue and wait for its turn ultimately for getting similar relief.

4. Under such circumstances, this Court keeping in view the nature of grievance and the delay caused for redressal of such grievance and corresponding duty/liability of the concerned authority considers it expedient to dispose of all these writ petitions with a direction that the sanctioning authority/concerned authority/Respondents must fully redress the grievance of the petitioners raised in the writ petition and file two paragraphs affidavit personally sworn by the concerned authority by 20th October, 2003 that the grievance of the petitioner has fully been redressed/partly redressed and annex the details in the format placed below after serving copy on the learned counsel for the respective petitioner, which shall be placed on the respective records of the case. The said authority shall also attach photostat copy of sanction order/authority/authorisation/receipts of payment made with respect to redressal of the grievance, failing which the said authority shall be liable to pay cost of Rs. 5,000/- from his pocket to the petitioner and the respective petitioner will be at liberty to file two pages affidavit upon which this Court shall take serious view of the matter and may consider to suo motu initiate contempt proceeding as well against such authority. On filing of two pages affidavit by the petitioner, the matter shall be listed "For Orders". The petitioner may also serve a copy of this order alongwith the copy of writ petition upon the non-appearing concerned authority either personally or through registered post for its strict compliance. It is, however, made clear that all such authority referred to above shall not be allowed to take any defence that he was not aware of this order.

5. Further, if any of the petitioner feels aggrieved by the redressal of his grievance, he will be at liberty to file representation with full detail before the authority concerned, which if filed within two weeks the authority concerned shall consider the same and dispose it of by a reasoned order within two weeks thereafter. Let a copy of this order be supplied to the learned Advocate General, Chief Secretary, Government of Bihar, Senior Standing Counsel for Union of India and its officials and also on Mr. J.P. Karn, Sr. Standing Counsel for Accountant General and to the Advocates' Association, Bar Association and Lawyers' Association for circulation and its strict compliance.

FORMAT

C.WJ.C. No. _____ of 200

Petitioner (widow/son/other heir)

Employee's name

Post from which retired

Date of retirement

Employer

(Like Deptt. of State Government/ Central Govt./Board/Corporation/ University etc.) Sanctioning authority/ Concerned authority

Nature of Claim

1. Pension/ family pension

Calculation

Total dues admissible

Amount paid

Remaining dues

Matter relating to it pending, if any, before

Reason for non-sanction if any, in brief

2. Gratuity

3. Leave encashment

4. Group Insurance

5. G.P.F. details attached

6. Any other dues claimed.