
(2008) 04 JH CK 0102
In the Jharkhand High Court

Faneshwar Pandey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-04-2008

Acts Referred:

Citation : (2008) 2 JCR 750

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The petitioner moved this Court earlier in CWJC No. 3671/1998 (R) making a grievance that by order dated 17.12.1996, his one increment was stopped whereas no such order of punishment was given to two other similarly situated persons. The said writ petition was allowed by order dated 30th January, 2001, contained in Annexure-1 to the writ application, direct the respondents to pay all the retrial dues to the petitioner alongwith interest legally payable to him. When the amount of interest was not paid, the petitioner filed an application for contempt, which was registered as Contempt Case No. 1041/2002, contained in Annexure- 2. The contempt proceeding was disposed of by order dated 25.2.2005. The order passed in the contempt proceeding reads as under:

Heard the counsel for the parties.

Though the total dues have been paid to the petitioner, the petitioner disputes the amount of interest paid with, according to the petitioner, comes to Rs. 78,292/-.

Taking into consideration the fact that the petitioner has been paid his retiral dues, this Court is not inclined to proceed further in the matter. However, if there is any dispute regarding the amount of interest paid, the petitioner may bring it to the notice of the concerned authority. This application is disposed of.

3. According to the petitioner, after the disposal of the contempt proceeding, he made a representation to the District Superintendent of Education, Leathar, stating therein that he has not been paid the interest on the amount of arrears of pension which he was legally entitle to have. By order dated 6.8.2005, as contained in An-nexure-5, the District Superintendent of Education, Latehar, informed the petitioner that he has already paid the amount of interest to the tune of Rs. 18,937/-, which was legally payable to him and, therefore, his claim for further interest was not tenable. The petitioner has challenged the said order passed by the District Superintendent of Education, Latehar on the ground that the amount of interest paid to him was much less than the amount he was entitled to.

4. In view of the fact that this Court in the earlier writ application had specifically directed that the petitioner be paid all the retiral dues alongwith the interest legally payable to him and, accordingly, the interest to the tune of Rs. 18,937/-, which was legally payable to the petitioner, was already paid to him, in my view, no case is made out for any interference by this Court. Accordingly, this writ petition is dismissed.