
(2003) 07 PAT CK 0086
In the Patna High Court
Case No : L.P.A. No. 1174 of 2002

Kamla Kant Jha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 07-07-2003

Acts Referred:

Citation : (2003) 2 BLJR 1641

Hon'ble Judges : Ravi S. Dhavan, C.J.;R.N. Prasad, J

Bench : Division Bench

Judgement

Ravi S. Dhavan, C.J. and R.N. Prasad, J.—Two situations, which are emerging from the present case, do not speak well of the State administration of Bihar. The petitioner-appellant is a Primary School Teacher. He retired. His retiral benefits were being paid to him by five cheques in instalments. This in itself is bad. What was worst is that when the petitioner-appellant presented one of the cheques it was dishonoured. This much to be looked into as to why a retired Primary School Teacher was being called again and again to clear his retiral benefits in instalments by five cheques and further why should a cheque of the State of Bihar be dishonoured. The administration should be conscious of the fact that the person in whose name the cheques had been cut had a status as a holder of value under Negotiable Instrument Act 1881 and that in the affairs of the ordinary people are contacts etc. This should happen is another matter and even in these matters the Civil Courts hold an erring party liable.

2. The Court does not accept that the State will engineer a circumstance to harass a retired employee to clear his retiral dues in instalments and that also faced a situation of dishonoured cheque. The Act aforesaid does provide for compensation. This matter has been brought to the notice of the learned State Counsel (S.C.I.) appearing in the case and otherwise Senior Counsel Mr. S.S. Naiyar Hussain, G. P. 2, who is present in the Court, that the State of Bihar be intimated of this case and the Secretary of the Finance and the Education Department be asked to be present in the Court on the next date that such a

situation should not repeat. The Court would also like to see remedial measures when the matter will come on Monday (14-7-2003).

3. Put up on Monday (14-7-2003) as desired by learned counsel for the State.