

(2007) 12 JH CK 0021
In the Jharkhand High Court

Md. Habib

APPELLANT

Vs

Bihar State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 10-12-2007

Acts Referred:

Citation : (2008) 2 JCR 243

Hon'ble Judges : M. Karpaga Vinayagam, C.J

Bench : Single Bench

Judgement

M. Karpaga Vinayagam, C.J.—The petitioner retired on 30.11.2001 from the service of the respondent-Corporation. Since the retiral benefits were not paid, he filed writ petition before this Court in W.P. (S) No. 6484/2002 seeking for issuance of necessary direction. By the order dated 3.7.2006, this Court directed the respondents to consider the case of the petitioner and make payment in accordance with the scheme framed by the Hon"ble Supreme Court. Accordingly the petitioner submitted his representation on 31.7.2006. However, no amount has been paid to the petitioner. Hence, this contempt application.

2. According to the respondents, as stated in the show cause, the retiral dues of the employees of the Corporation are being paid in terms of the package programme approved by the Hon"ble Apex Court and as per the package, the petitioner, who retired on 30.11.2001, comes under the 6th phase and is entitled to various dues, such as, salary, 75% gratuity, unutilized earned leave, dearness allowance and provident fund amount. A portion of provident fund amounting to Rs. 18,600/- has been paid. It is also stated in the show cause that for the last 10-12 years, the Corporation is passing through acute financial crisis and is not in a position to pay full salary to its employees and only a portion of amount required for the 1st phase of the Scheme has been provided by the State Government. The Corporation is also writing letters to the Governments of Bihar and Jharkhand to release the shortfall of the amount and the same has not been released as yet. As per the Hon"ble Supreme Court order, the Corporation is to strictly abide by the Scheme. The Hon"ble Supreme Court by the order dated

16.4.2001, would observe that "we think it proper for the High Court not to pass any order inconsistent with the order made by this Court". Narrating the above circumstances, the Corporation would undertake through show cause that the admissible dues will be paid to him in terms of the package scheme framed by the Hon"bles Supreme Court in phase-wise manner.

3. In view of the above statements made by the Corporation, recording the aforesaid undertaking the contempt proceeding is dropped.