

(2012) 02 JH CK 0145
In the Jharkhand High Court
Case No : Cont. (Civil) Case No. 365 of 2009

Radhey Shyam

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-02-2012

Acts Referred:

Citation : (2012) 02 JH CK 0145

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prashant Kumar

1. This application has been filed for initiation of a contempt proceeding against opposite party for non compliance of order dated 15.09.2008 in W.P. (S) No. 6369 of 2005, in which following direction given :

In the facts and circumstances, the petitioner is directed to file a fresh representation alongwith a copy of this order before the District Superintendent of Education, Dhanbad (Respondent No. 6) stating his claim and the entire grounds in support thereof and within three months from the date of receipt of the representation, the Respondents including Respondent no. 6 shall ensure that the arrears of salary legitimately payable to the petitioner, be duly paid to him. Till a decision on the assessment of the amount of arrears of salary is finally taken, the Respondents shall pay the current salary to the petitioner.

2. A show cause filed on behalf of opposite parties wherein they have stated that from February, 2003 to March 2010, the admitted dues of petitioner had already been paid. However, petitioner challenged the aforesaid calculation made by the opposite parties.

3. Be that as it may, from perusal of aforesaid direction, it is clear that this Court has directed the respondent no. 6 to ensure payment of arrears of salary of

petitioner legitimately payable to him. Thus, it is clear that this Court has directed the opposite parties to pay the admissible dues, which has already been paid as per the show cause of opposite parties.

4. Under the aforesaid circumstance, I find no ground to proceed further in this matter. Accordingly, this contempt application is dismissed.

5. However, if petitioner, so advised may challenge the calculation made by the opposite parties before appropriate forum.