
(2004) 08 JH CK 0055

In the Jharkhand High Court

Case No : Cont. (C) Case No. 461 of 2003

Rajendra Prasad Gupta

APPELLANT

Vs

State of Jharkhand, State Electricity Board and Others

RESPONDENT

Date of Decision : 05-08-2004

Acts Referred:

Citation : (2004) 4 JCR 685b

Hon'ble Judges : Vikramaditya Prasad, J

Bench : Single Bench

Advocate : S. Kumar, for the Appellant; R. Krishna, for the Respondent

Judgement

Vikramaditya Prasad, J.—Heard both the sides.

2. The respondents have filed a supplementary show cause. annexing Annexure-B whereby a notification has been issued by the Office Order No. 681 dated 31.07.2004 whereby and whereunder a decision has been taken for paying the arrears in revised scale to the employees of the Board in four installments in every alternate months and the first installment will be given from September, 2004. The respondents, therefore, have said that in view of this decision the contempt should be dropped.

3. The learned counsel for the petitioner is insisting that since in some cases particularly in W.P.(S) No. 5480 of 2002, on the basis of which this case was Tiled, the payment has been made and in some other cases in which order was passed by different Benches of this Court payment has been made, so this case should be (realead at par with W.R(S) No. 5480 of 2002 and direction be given to make the payment. The learned counsel for the respondents has been able to show that earlier when such matters came before the diflercnt Benches, all the Benches passed the orders that in revised scale, pay shall be paid to the petitioners when "the Board decides to pay in favour of its employees/ retired employees and that lead the ultimate decision for providing the arrears.

4. It is needless Jo say that when the earlier writ, petitions were filed the matter

was in fact at fluid stage and it was not known that whether the Bihar State Electricity Board or the Jharkhand State Electricity Board is liable to pay the arrears etc. and therefore in some cases divergent orders was being passed ultimately matter has been settled as the J.S.E.B. has come with the aforesaid notification (supra).

5. Therefore, it is not in fact a case of contempt now and consequently this contempt is dropped. The petitioner may make representation before the Electricity Board for interest on delayed payment or file a fresh-writ for that.