
(2004) 03 PAT CK 0072
In the Patna High Court
Case No : M.J.C. No. 2953 of 2000

Ravindra Kumar Singh and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-03-2004

Acts Referred:

Citation : (2004) 4 PLJR 79

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In this M.J.C. application prayer is for initiating contempt proceeding against the Opposite parties for alleged wilful violation of the earlier order of this Court passed in the connected writ case being C.W.J.C. No. 3430 of 2000, which was disposed of in terms of general direction of this Court. Earlier when there was no response from the Executive Engineer (Respondent no. 6), this Court initiated contempt proceeding against him and directed him to personally appear and file his show cause. Today, Opposite party no. 6 has personally appeared and a show cause has been filed on his behalf. From perusal of the show cause, it appears that the claim of the petitioner was disposed of in 2001 and cheque for the admitted amount was delivered to the deceased Government servant on 21.6.2002 vide Annexure-C. As regards pension, the claim has been rejected on the ground that the deceased was employed in Work Charge Establishment and was never employed in regular establishment. Learned counsel for the petitioner, however, has submitted that in view of Government circular dated 22.10.1984 read with the judgment of this Court in the case of Shambhu Sharan Singh Vs. The State of Bihar and Others, , deceased was entitled for pension and consequently the dependent are also entitled for family pension.

2. However, it appears that this question was not properly canvassed before the concerned authority in terms of the general direction. As such, this M.J.C. application is disposed of with a liberty to the petitioner to file fresh

representation before the Executive Engineer, who shall re-examine the claim keeping in view the Government circular and the decision of this Court or of Supreme Court relied upon by the petitioners. Learned counsel for the petitioners has submitted that it is true that the aforementioned cheque was delivered to the deceased, but, it could not be encashed and thus, the same has been returned to the Executive Engineer today for re-validation and payment with details of the calculation to the petitioners. Accordingly, this Court directs the Executive Engineer to reexamine the claim relating to G.P.F. and up-to-date statutory interest thereon as well as leave encashment and prepare a fresh cheque after cancelling the earlier cheque accordingly. The said claim should be disposed of by him by a reasoned order and the cheque alongwith reasoned order and details of the calculation must be handed over to the learned counsel for the petitioners within two weeks.