
(1999) 08 PAT CK 0014
In the Patna High Court
Case No : C.W.J.C. No. 11220 of 1998

Shatrughana Lal	Vs	APPELLANT
State of Bihar and Others		RESPONDENT

Date of Decision : 10-08-1999

Acts Referred:

Citation : (1999) 3 BLJR 2165

Hon'ble Judges : R.M. Prasad, J

Bench : Single Bench

Judgement

R.M. Prasad, J.—The facts of the case clearly show that the Executive Engineer, Irrigation Division, Raghapur, Supaul has acted in a most callous manner and in utter defiance of the general direction of this Court given in the case of Mosst. Rukmini Devi v. The State of Bihar reported in 1996 (2) PLJR 348, pursuant to which the petitioner approached him for final payment of his pensionary benefits.

2. However, the matter came up to this Court earlier in M.J.C, No. 1844 of 1996 and it appears that this Court taking lenient view of the entire matter dropped the proceeding with a liberty to the petitioner to agitate the matter by filing writ petition or approaching the appropriate forum. Admittedly, till then the petitioner was not paid full amount of gratuity, interim relief of Rs. 400/- and interim arrear of Rs. 208/-. Despite this, the Executive Engineer did not bother to comply with the general direction of this Court by taking steps and/ or issuing necessary sanction order for payment of the aforementioned dues of the petitioner which forced him to file the present writ petition. The petitioner superannuated from service on 31-7-1994 and he has been kept deprived of the gratuity amount for now over five years for no justifiable reason.

3. On 2-8-1999, a show cause was filed on behalf of the Executive Engineer, in which an attempt has been made by him to mislead this Court by stating that the amount of gratuity was not paid, which amount was paid afterwards as it appears from letter No. 258 dated 3-5-1999 after revalidating the gratuity payment order No. 155, 1996-97. In this regard/ he placed reliance on the letter

dated 15-3-1999 (Annexure F) issued by the Treasury Officer, Muzaffarpur, addressed to the Deputy Secretary, water Resources Department.

4. On 2-8-1999, the learned Counsel for the petitioner, with reference to the entry made in the pass-book of the petitioner's account with the Central Bank of India, submitted that the assertion that the petitioner has been paid his full gratuity amount is false. On 6-8-1999 this Court directed for personal appearance of the Treasury Officer, Muzaffarpur, who issued the aforementioned letter (Annexure F to the show cause filed on behalf of the Executive Engineer). In the said letter the Treasury Officer, Muzaffarpur, who was permitted to be added as respondent No. 7, was directed to explain the contents of the said letter (Annexure F).

5. A show cause has been filed on behalf of the Treasury Officer, Muzaffarpur (respondent No. 7). Learned Government Pleader No. IX appearing for him submitted that, in fact, Annexure F was issued on the basis of the fact that no authority slip for payment of any pensionary dues of the petitioner was pending with him on that date.

6. However, later an affidavit and show cause have been filed on behalf of the Executive Engineer, from which it appears that he, vide letter No. 2/Camp Patna dated 2-8-1999 sanctioned gratuity amount of Rs. 30,420/- and personally handed over to the Accountant-General Office on 2-8-1999 with a request to issue authority slip in favour of the petitioner and, accordingly, the Accountant-General, Bihar, Patna issued authority slip of the said amount, vide Memo No. 10-15-GPO 2057 dated 3rd August, 1999, addressed to the Treasury Officer, Muzaffarpur and the copy of the same is also stated to have been forwarded to the petitioner. The Executive Engineer claimed that the original gratuity payment order of the petitioner is with him and the same may be handed over to the learned Counsel for the petitioner during the course of hearing.

7. Thus, it is evident that the statements made in the earlier affidavit filed on behalf of the Executive Engineer that the amount of gratuity which was not paid was paid after revalidation is utterly false and as been made only with a view to mislead the Court and harass the petitioner.

8. Having regard to the aforementioned facts, this Court, prima facie, felt persuaded to initiate contempt proceeding as well as criminal prosecution against the Executive Engineer. However, learned Government Pleader No. IX stated that since now the Treasury Officer, Muzaffarpur has already issued instructions for crediting of the aforementioned amount of gratuity in the account of the petitioner and the Executive Engineer has tendered unqualified apology, this Court may consider to take lenient view of the matter.

9. Having regard to the said facts, this Court finds it to be a fit case in which heavy cost should be awarded against the Executive Engineer besides an interest to be paid to the petitioner over the aforementioned amount at the rate of 12% per annum from due date till the payment is made.

10. Accordingly, this Court directs that a cost of Rs. 10,000/- (ten thousand) be paid by the Executive Engineer (respondent No. 4) from his own pocket to the petitioner within two weeks, failing which the petitioner will be at liberty to file two pages affidavit for initiating action against him. Since the amount payable to the petitioner remained in the State Treasury, respondent No. 4 is directed to get the amount of interest calculated and necessary sanction obtained for payment of the same to the petitioner within two weeks.

11. It is stated by the learned Government Pleader No. IX that the amount of interim relief and interim arrear have already been drawn by the Executive Engineer and he is ready with the same for payment to the petitioner or to him through Counsel. Let the said amount be paid to the learned Counsel for the petitioner who shall give receipt in token thereof.

12. The writ petition is, accordingly, disposed of.