
(2004) 07 PAT CK 0021
In the Patna High Court
Case No : C.W.J.C. No. 829 of 2004

Shri Madan Mohan Sahay

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-07-2004

Acts Referred:

Citation : (2004) 4 PLJR 603

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—The writ petition was filed for direction to the respondents to fix and pay family pension, gratuity, G.P.F. and group insurance money together with the benefit of accidental death on duty of his eldest daughter Late Smt. Sindhu Bala, Gram Panchayat Supervisor at Koilwar Block in Ara district, who was murdered by her husband and in-laws in May, 1991 at Ara while she was on election duty in 1991 Parliamentary Election. The writ petition was disposed of vide order dated 21.1.2004 in terms of the direction given in the order dated 19.9.2003 passed in C.W.J.C. No. 7054 of 2003 and analogous cases with only modification that two paragraphs affidavit personally sworn by the concerned authority must be filed by 9th March, 2004 and this court further directed that the parties will be bound by the said direction and they should proceed with the matter accordingly. The Block Development Officer was respondent no. 3 in the writ petition and was represented by the learned Standing Counsel no. X.

2. This Court vide order passed in C.W.J.C. No. 7054 of 2003 directed the sanctioning authority/concerned authority/respondents to fully redress the grievance of the petitioner raised in the writ petition and file two paragraphs affidavit personally sworn by the concerned authority that the grievance of the petitioner has fully been redressed/partly redressed and annex the details in the format placed below in the said order after serving copy on the learned counsel for the writ petitioner, which shall be placed on the respective records of the

case. The said authority was also directed to attach photostat copy of the sanction order/authority/authorisation/receipts of payment made with respect to redressal of the grievance, failing which the said authority was directed to pay a cost of Rs. 5,000/- from his pocket to the petitioner and the petitioner was given liberty to file two pages affidavit, upon which this Court is to take serious view of the matter and may consider to initiate suo motu contempt proceeding as well against such authority.

3. An affidavit has been filed on behalf of the petitioner for revival and initiating appropriate action against the erring officials pursuant to the liberty granted, vide said order dated 21.1.2004 read with the order passed in C.W.J.C. No. 7054 of 2003 alleging non-compliance of the said order.

4. Accordingly, after hearing learned counsel for the parties and on the admission of the learned counsel for the State that the Block Development Officer (respondent no. 3), who is the concerned authority, has not complied the order, this Court, vide order dated 22.7.2004, suo motu initiated contempt proceeding against respondent no. 3, which has been registered as M.J.C. No. 1457 of 2004. Respondent no. 3 was directed to personally appear and file his show cause on Tuesday last (27.7.2004). However, as the matter could not reach yesterday, it has been taken up today and the Block Development Officer has personally appeared and a show cause has been filed on his behalf.

5. Though respondent no. 3 has admitted that he is the concerned authority, yet he did not file any affidavit regarding redressal of the grievance nor furnished the details in the prescribed format after serving a copy of the same on the learned counsel for the petitioner within time. It is only after initiation of the contempt proceeding that in the show cause he has attempted to defend himself by raising certain disputes regarding entitlement. However, he has stated that after execution of general power of attorney by the son of the deceased in favour of the petitioner, who happened to be maternal grandfather (Nana), every effort was made to make the payment. In the other show cause filed on the same day it is admitted by him that only in May, 2004 a letter was sent by him to the learned Standing Counsel that he was engaged in election and the matter escaped from his sight. From the show cause it appears that the amount of death-cum-retiral dues under different heads were drawn in between 10th June, 1991 to 26th July, 1994 and despite the direction of this Court, he has not bothered to comply the same by filing affidavit and giving details in the prescribed format within time.

6. In course of hearing of various matters, this Court has come across that most of the authorities of the State do not bother to comply with such orders of this court within time and it is only after initiation of contempt proceeding that they make attempt to create some dispute on merit to frustrate the effect of the order resulting in the increase of such frivolous litigations in this Court when it is their duty to finalise the pensionary benefits soon after the death/retirement of an employee. In the present case, it is admitted that the due amounts were drawn

by the respondents in between 10th June, 1991 to 26th July, 1994 but even after initiation of contempt, respondent no. 3 has not bothered to comply with the same by furnishing the details in the prescribed format and producing all payments of the admitted dues, including the amount of cost, which shows that he has no respect for the orders of the Court and, thus, he is held guilty of committing contempt. However, put up these matters tomorrow (30.7.2004) for consideration on the question of punishment/sentence.