

GA-3  
16.57/12

Notice

From:- ~~XXXX~~ Mr. Baidyanath Mahapatra  
Advocate for the petitioner.

To, The Advocate General <sup>Mr. Hemendra Prasad Singh IAS</sup>  
Bihar, Patna. for B.N.M. University

Ref:- MJC 110 - of 2011-2012  
Kaushalya Devi Petitioner.

Bhupendra P. Narayan Prasad Respondents.  
Versus  
Sir, University and OS.

Please take notice that an application  
is going to be filed on behalf of the  
petitioner above named in the Hon'ble Court.  
A copy of which is served upon you for your  
information and office use.

Kindly acknowledge receipt the same.

*Baidyanath Mahapatra*  
Advocate.  
ACR 03863

B.N.M.U  
28/11/11  
A222004332

IN THE HIGH COURT OF JUDICATURE AT PATNA,

(Civil Writ Jurisdiction)

MJL & W.J. No. - \_\_\_\_\_ of 2011-2012

I N

C.W.J. No. - 12394 of 2010

Kaushalya Devi ..... Petitioner.

Versus

Chupendra Narayan Mandal University and ors.

Respondents.

Sub-contempt Matter

I N D E X

Sl.No.	Particulars.	Pages.
1.	Petition with Affidavit-	1 to 9
2.	Annexure-1-A copy of order dt- 4.8.10-	10-11
3.	Annexure-2- A copy of representation dt- 27.11.10-	12-13
4.	Vakalatnama.	

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COURT FEE

00000555 25.11.11  
M. Thakur A.C. No. 178/11  
372402 BIHAR

AUTH. NO. 3184 DT. 16/12/2008

INDIA \*\*Zero\*Zero\*Zero\*Zero\*Zero\*Five=Five\*\*

IN THE HIGH COURT OF JUDICATURE AT PATNA.

( Civil Writ Jurisdiction)

*MJE*  
C. W. J. C. No. - \_\_\_\_\_ of 2011. 2012

*MJE*  
*Barinder Kumar*  
*Adv.*  
*Block B B.L. 3*  
*25.11.11*

I N

C. W. J. C. No. - 12394 of 2011.

*P-1709*  
*A-1090 B*  
*AM*  
*25/11/11*

In the matter of an  
application Under Article  
215 of the code of  
constitution of India

A N D

In the matter of:

Kaushalya Devi wife of late Surya Narayan Panjiyar  
Resident of Mohalla Dahlan Chowk, P.S -Town, District  
Saharsa ..... Petitioner.

Versus

1. Chupendra Narayan Mandal University, Madhepura

2.

through its vice chancellor.

2. The Vice Chancellor, Bhupendra Narayan Mandal University, Madhepura.

3. Registrar, Bhupendra Narayan Mandal University Madhepura.

4. The Finance Officer, Bhupendra narayan Mandal

University, Madhepura  
5. The State of Bihar through its human resources Bihar police  
H. P. D. Bihar police. Son of Mr. Krishna as president  
vice-chancellor Bhupendra Narayan Mandal University  
Madhepura

..... Respondents.

To:

The Hon' ble Justice Ms. Bekha M. Doshit, the

Chief Justice of the High Court of judicature at

Patna and her companion justices of the said

Hon' ble Court.

The humble petition on

behalf of the petitioner

above named:

Most Respectfully Showeth:-

---

1. That this is an application for initiation of a contempt proceeding against the opposite parties 2 and 3 for willful non compliance of order dated 4.8.10 passed by the Hon'ble Mr. Justice Shailesh Kumar Sinha in C.W.J.C.No.-12394/10

A photo copy of order dated

4.8.10 is annexed herewith

and marked as Annexure -

to this petition.

2. That the petitioner has not moved before this Hon'ble Court in this matter at any earlier occasion.

3. That in terms of the aforesaid direction the petitioner submitted her application before the opposite party no.-3 on 27.11.10 alongwith a copy

4.

the order (Annexure-1) as well as relevant papers.

The petitioner thereby requested to consider her claim relating to arrear of salary, family pension gratuity earned leave and grant group insurance etc payable to be hus and and pay the amount calculated thereon .before this the petitioner gave another representation for such claim in time

A photo copy of  
representation dt-27.11.  
annexed herewith and mark  
as Annexure -2 to this  
petition.

4. That despite their being specific order of this Hon'ble Court to dispose of the grievance of the petitioner expeditiously preferably within a period of 6 months after

5.

receipt of representation the opposite party no.-2  
did not consider the claim of the petitioner,  
whenever the petitioner approached the opposite  
party no.-3 be assured that her claim would  
sooner be considered and disposed of behaving  
the assurance the petitioner expected that the  
opposite parties no.-2 and 3 would pay her dues  
after proper calculation of the claim.

5. That till date no claim of the petitioner  
has been considered, what to talk of grant of family  
pension and other dues to her the petitioner is  
running from pillar to post for redressal of her  
grievance, but to no avail several times the  
petitioner approached the opposite party no.-2 and  
for full and final settlement of her claim but  
they are unnecessarily delaying the matter.

6.

6. That the opposite party no.-2 and 3 are deliberately flouting the order of this Hon'ble Court. They are sitting tight over the matter even though they were apprised of the time Schedule with ~~which~~ which the claim of the petitioner was to be decided. Delay in disposal of ~~the~~ the petitioner's representation is deliberate and calculated.

7. That the opposite parties no.-2 and 3 have scant regard to the specific direction of this Hon'ble Court. They have committed flagrant ~~an~~ violation of this Hon'ble Court's order. The whole action of the opposite parties 2 and 3 is incompensible, given the fact that even after reminder they did not redress the grievance of the petitioner as required by the order dated- 4.8.10.

8. That the negligent action of the opposite



7.

party no.-2 and 3 is not redressing the grievances of the petitioner even after order of this Hon'ble Court is overreading and reprehensive of erosion in justice delivery system because they are mindful of the direction of this Hon'ble Court.

It is, therefore, prayed that your lordships may graciously be pleased to admit this case, Issue rule MIS calling upon the respondents to file a show cause and on return of the rule and after filing show cause, if any, your lordships may further be pleased to allow this application in terms of the prayer made in para 1 of this application

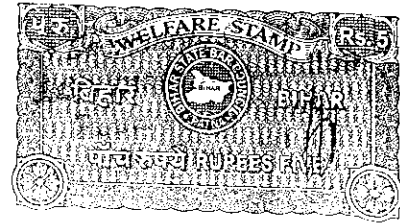
AND FOR

8.

May further be pleased to pass  
any appropriate order / direction  
which your lordships may deem  
fit and proper.

6 And for this the petitioner shall ever pray.

8



9.

A.F.F. DAVII.

I, Kaushalya Devi aged about 54 years, wife of late Surya Narayan Panjiyar, Resident of Mohalla, Dahlan Chowk, P. S. Town, District-Saharsa, do hereby solemnly affirm and state as follows:-

1. That I am sole petitioner in this case and as such am well acquainted with the facts and circumstances of the case.

2. That the contents of this application have been read over and explained to me in Hindi which I have fully understood the same.

3. That the statements made in paragraph nos 2, 4 to 5 are true to my knowledge and those made in para no.- 1, 3

are true to my information derived from the records of this case and rests are by way of submission of this Hon'ble Court.

4. That the annexures are true photo copies of their respective originals.



In such view of the matter, in case such representation stating details of unpaid claims is filed by the petitioner within a period of four weeks from today along with the certified copy of the present order as also the copy of the relevant documents, if any, in support of the claim, the grievances of the petitioner raised in the representation shall be considered in accordance with law expeditiously preferably within a period of six months on receipt of such representation, so that the grievances of the petitioner may be settled without delay and upon consideration the admitted dues found payable may also be paid to the petitioner along with interest permissible under the rules.

The writ application stands disposed of with the above observations/directions.

Manish/-

*(Signature)* (Shailesh Kumar Sinha, J.)

**Attested**  
 Rajendra Prasad  
 Notary  
 Patna High Court  
 9/9/10

**CERTIFIED TO BE TRUE PHOTO COPY**  
 For Joint Registrar  
 Patna High Court  
 9/9/10

9/9/2010

सेवा में,

Annexure-2

12

कुल सचिव

श्री 00 मंडल विश्वविद्यालय, गणेशपुरा

C.W.J.C. No. 12391/2010 में पारित न्यायादेश के आलोक में कौशल्या

देवी (पति स्व० सूर्य नारायण पंजियार प्रधान सहायक, एम० एल० टी० कॉलेज, सहरसा) मो.- दहलान चौक, सहरसा को फैमिली पेंशन एवं विभिन्न बकाए राशि के भुगतान के संबंध में।

महाशय,

आदरपूर्वक आपका ध्यान मैं निम्नलिखित तथ्यों की ओर आकृष्ट करना चाहती हूँ-

1. मेरे पति स्व० सूर्यनारायण पंजियार जो एम० एल० टी० कॉलेज, सहरसा से सेवानिवृत्त प्रधान सहायक थे, का निधन 10.03.2007 ई० को हुआ। वे पेंशनधारक थे।
2. अपने जीवनकाल में पेंशन राशि की सही गणना बकाए वेतन एवं पेंशन, ग्रेच्युटी, अर्जितावकाश लाभ आदि राशि के भुगतान हेतु मेरे पति अंतिम सांस तक जूझते रहे और अन्ततः विश्वविद्यालय का दुर्भाव (एपैथी) ही उनकी मृत्यु का कारण बना।
3. माननीय श्री आर० पी० यादव की अध्यक्षता वाली अभिषद उप समिति की अनुशंसा (बिदक सं० 3/14.02.2001) अभिषद का निर्णय (मद सं० 5:4/24.02.2001) तत्कालीन वि० वि० विधि यंत्रमंशी श्री के० के० मंडल (वर्तमान में न्यायमूर्ति, पटना उच्च न्यायालय) की विधि सम्मता राय तथा माननीय पटना उच्च न्यायालय द्वारा पारित न्यायादेश आदि ने भी मेरे स्वर्गीय पति को न्याय नहीं दिला सके और वे आर्थिक तंगी हृदयाघात के शिकार हो गये।
4. पति के देहावसान (10.03.2007) के पश्चात् से मैं भी फैमिली पेंशन एवं अन्य बकाए के भुगतान हेतु (पिछले तीन वर्षों से) विश्वविद्यालय का चक्कर लगाती आ रही हूँ, परन्तु आज तक पेंशन आदि का भुगतान प्रारंभ नहीं किया गया है, फलस्वरूप हृदय रोग का मैं भी शिकार हो गया हूँ।
5. विश्वविद्यालय की कुटिलता से तंग आकर मैंने माननीय उच्च न्यायालय में समादेश याचिका CWJC No. 12394/10 दाखल की। माननीय पटना उच्च न्यायालय द्वारा पारित न्यायादेश (04.08.2010) के आलोक में मुझे निवेदन करना है कि -

1. पति के देहान्त की तिथि (10.03.2007) से मुझे फैमिली पेंशन भुगतान करने का

आदेश दिया जाय।

P.P. Gupta  
27/4/11

Ac  
P.P. Gupta  
27/4/11

P.P. Gupta  
27/4/11

596/11  
6/4/11

2. पति स्व0 सूर्यनारायण पंजियार के सभी बकाए यथा देतन, पेंशन बकाया (सही गणना कर) अर्जितावकाश लाभ, ग्रेंच्यूटी, समूह जीवन बीमा आदि का भुगतान करने कृपा की जाय।

(रिट याचिका पारा -07)

इस अनुग्रह के लिए मैं सदा आभारी रहूँगी।

अनुलग्नक :-

- 1. रिट याचिका
- 2. न्यायादेश (04.08.2010)

विश्वासभाजन  
 कौशल्या देवी  
 (कौशल्या देवी)

पति स्व0 सूर्यनारायण पंजियार  
 दहलान चौक, सहरसा