

In

The High Court of Judicature at Patna

(Miscellaneous Judicial Jurisdiction)

M.J.C. No. 2012

(Arising out of C.W.J.C. No. 10388/08 2012)

GA-2
10/2/12

Yogendra Narain Yadav Petitioners/Appellant

Versus

The state of BiharOpposite Party

and others

Sub: *Contempt*

INDEX

Sl. No. Particulars

- (1) A Petition under section 12 of the contempt of Court. 1-2
- (2) Annexure - A Photo Copy of Order dt.04/11/11 8-10
- (3) A Photo copy of representation dt.14/11/11 11/15
- (4) A Photo copy of writ representation dt.16/01/12 16-17
- (5) Wakalatnama-

To,

The Hon'ble Ms. Rekha M Doshit, The Chief Justice of the High court of Judicature at Patna and his companion Justices of the said Hon'ble Court.

The humble petition on behalf of petitioner above named;

Most Respectfully sheweth:-

1. That, this is an application for initiation of contempt proceeding against the opposite parties who have deliberately and willfully violation the order dated 04.11.11 passed by the Hon'ble Mr. Justice Rakesh Kumar; this Hon'ble court in C.W.J.C. No. 10388/2008. (Yogendra Narain Yadav V/s the State of Bihar and others) whereby end where under this Hon'ble Court has been pleased to disposed of the writ application of the petitioner with a liberty to file a fresh representation before opposite party No. 3 Deputy collector establishment, Madhepura, within a period of six weeks from today. If such representation is filed within aforesaid time, the opposite party No. 3 is required to examine the same and pass

appropriate order in accordance with law within a period of four months from the date of filing of such representation. If the opposite party No. 3 considers the claim of the petitioner as genuine, he is required to pass order for clearing the dues within the aforesaid time. Even in case of refused, the opposite party No. 3 is required to pass a speaking order and communicate the same to the petitioner within four months from the date of filing of such representation.

A photocopy of order dated 04.11.2011 is annexed herewith and marked as annexure- 1 to this petition.

2. That, after obtaining the certified copy of the order dated 04.11.11 passed by this Hon'ble court the petitioner submitted a fresh representation through Bihar retirement society before the District officer (Collector), Madhepura on 04.11.2011 along with the order dated 04.11.2011; for redressed his grievances; but invain.

A photocopy of representation dated

14.11.2011 is annexed here with and marked as annexure2 to this petition.

3. That, the petitioner also submitted a detail representation personally before the collector, Madhepura, Sub divisional officer, Madhepua and Block Development officer Kumarkhand on 16.11.11 along with the order dated 04.11.11, but in vain.

A photocopy of representation dated 16.11.11 is Annexure here with and marked as Annexure -3 to this petition.

4. That, the petition has send a representater to the Block Development officer through post along with order dated 04.11.11 on 11.11.11, till date nothing has been done on the representation of the petition.

A photocopy of representation dated 16.11.11 is annexed herewith and

marked as Annexure -4 to this
petition.

5. That, after laps of more than four months neither the petitioner get a single penny nor any speaking order has been passed by the opposite parties.
6. That, the petitioner run pillar to post redressed of his grievances but in vain.
7. That, the opposite parties are habitual contemtor, sitting tight over the matter.
8. That, the petitioner has compelled to move this Hon'ble court time and again and he is entitled to pay the litigation cost to the petitioner.
9. That, the opposite parties are entitled for suitable punishment for their willful and deliberate violation of the order of this Hon'ble Court.
10. That, the petitioner has time and again moved before the office of the opposite parties, but in vain.
11. That, the petitioner has not moved before this Hon'ble court for initiation of contempt proceeding against the opposite parties.

It is, therefore, prayed that your lordship may graciously be pleased to allow this application issue notice upon the opposite parties.

And/or

After hearing the party/parties, the opposite parties be punished suitable and be directed to redress the grievances of the petitioner which has not been redressed even after passing the order of this Hon'ble Court with penal interest and litigation cost.

And/or

As such other orders or orders as your lordship may deem fit and proper.

And for the applicant shall ever pray.

Affidavit

I Yogendra Narain Yadav , aged about 71 years, Son *(late)*
Sh. Jagan
of *Chakla* resident of village - *Chakla* ,

P.S.- *Machh* , District- *Machh*

do hereby solemnly affirms and state as follows:-

- 1 That i am petitioner in case and such am well acquainted with the facts and circumstances of the present case.
- 2 That the contents of this affidavit and appeal have been read over and explained to me in Hindi which i have fully understood and i say that the same are true and correct to the best of my knowledge and belief.
- 3 That the statement made in paragraph No.
are true to my knowledge and those are mentioned in paragraph no.
are true to my information drive from the record and rest are by way of submission.
- 4 That the annexures are the true/xerox copies of their respective originals.

It was further submitted by learned counsel for the petitioner that the writ petition may be disposed of granting liberty to the petitioner to file a fresh representation before the authority concerned.

In view of the fact that no counter affidavit has been filed till date and the fact that number of representations were filed, the court is of the opinion that the writ petition can be disposed of granting liberty to the petitioner to file a fresh representation before respondent no. 3 / Deputy Commissioner Establishment, Madhepura, within a period of six weeks from today. If such representation is filed within aforesaid time, respondent no. 3 is required to examine the same and pass appropriate order in accordance with law within a period of four months from the date of filing of such representation. If the respondent no. 3 considers the claim of the petitioner genuine, he is required to pass order for clearing the dues within aforesaid time. Even in case of refusal, the respondent no. 3 is required to pass a speaking order and communicate the same to the petitioner within four months from the date of filing of such representation.

The writ petition stands disposed of.

sd/-
(Rakesh Kumar, J.)

Respectful

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)

Patna High Court

Established 13th Dec 1877

Ramesh Chandra
9/11/2011
123

9/11/11

To,

1. The Collector,
Madhenuara.
2. The sub-Divisional Officer,
Madhenuara.
3. The Block Development Officer,
Kumarkhand.

Sub:- Application for payment of arrear salary and other admissible benefits with retrospective effects which was not given during service period unapite of repeated by the applicant.

Ref:- My several application's given previously photo copies of all enclosed.

Respected Sir,

Most humbly and respectfully, I beg to submit the following facts, and humbly request that this application may kindly be considered on pure humanitarian ground and necessary orders may kindly be passed.

2) That I was working as Panchayat sewak in this Collectorate and retired on superannuation from service on 30.09.2003 from Kumarkhand Block. During this old age I always remain ailing and the only source of living with my family members is the pension amount and am facing financial trouble in maintaining my family. Due to illness I am unable to go any where.

3) That, during my service period, my several genuine claims remained unsolved and unpaid due to which I had to face financial crisis and mental agony. During my service period, I filed several representations but nothing was done and ultimately I was retired from service at a lower pay which caused financial loss to me. In this representation, in the following paragraphs, I am giving the details of my pending matters in the Department and respectfully pray that necessary

INDIA POST
MADHENUARA P.O. (S.O.)
A 30224
District Head Office
Tonsa B.O., KUMARKHAND
Madhenuara S.O., PIN-822113
16/11/2011, 11:46

o/c

Handwritten signature/initials

Handwritten mark

A.

and admissible amount early. I am also enclosing with this application photo copies of the application submitted previously for giving my reasonable and admissible relief

4) That, after my revision from 01.01.96 the difference of arrears pay and allowances from 01.4.97 to 30.09.00 was not paid to me. I got the statement of such balance amount admissible to me for the above period prepared and submitted along with my previous applications but even then payment was not made till the date of retirement. I again enclose a copy of that statement from which it would appear that a sum of Rs 11,693=00 is payable to me. This statement was prepared by Udakshunganj and Gwalnara Block where I was working during the period. I earnestly request that this amount may kindly be ordered to be paid to me and if after such payments, it becomes necessary to revise my pension and other financial benefits this may also be kindly ordered to be done so that I may get relief retroactively.

5) That the pay and allowances for the following period was not paid to me although I was on duty during this period :-

- (a) 26.01.90 to 31.01.90= 06 days
 - (b) 01.02.99 to 08.02.99 = 08 days
 - (c) 17.01.2003 to 19.01.2003= 03 days
- =====
- 17 days

6) That, through bill no. 108/02-03 my duty period pay amounting to Rs 1,782=00 was passed but even after that, payment was not made to me, till the date of my retirement

7) That I had deposited security money during my service period in Kumarkhand Post Office vide pass-book no. 205118 and Nazir receipt is also available with me. Even after filing several applications this pass-book with

Block and payment has not been made to me.

8) That, the State Government has given benefit of A.C.P. to Govt Employees from 09.8.1999 but this facility was not given to me although I retired from service on 30.09.2003 I have learnt that all categories of staff in this collect-
orate have been given the benefit of A.C.P. with retrospect-
ive effect from 09.8.99. I respectfully submit (have also
prayed previously) that facility of A.C.P. as amicable
to me may kindly be given to me with retrospective effect and
difference of arrears salary may kindly be paid and my pension
and other retiral benefits may kindly be also revised on the
basis of last pay amicable to me after getting A.C.P.
benefits.

9) That for your honour's kind perusal I am enclosing here-
with the photo copies of my following previous application
on which orders were never passed till the date of my
retirement. I may note here that in this connection letter
no. 650 dt. 21.7.2003 was issued to me by the B.D.O. Kumar
Khand (photo copy enclosed)

- (a) Application dt. 25.8.2003 to B.D.O.
- (b) Application dt. 07.5.2004 to B.D.O.
- (c) Application dt. 06.5.2005 to Respectable Governor.
- (d) Application dt. 24.11.2005 to D.M.
- (e) Application dt. 07.3.2006 to D.M.
- (f) Application dt. 22.8.2005 to B.D.O.
- (g) Application dt. 26.6.2006 to B.D.O.
- (h) Application dt. 26.6.2006 to D.S.
- (i) Application dt. 28.9.2006 to B.D.O.
- (j) Application dt. Nov 2006 to B.D.O.

10) That from the facts stated in para(9) above it would
appear that in all I have submitted Ten applications to all
the concerned offices and have also represented my case to
respectable District Magistrate and his Excellency the

even after a lapse of more than Three years of retirement.

11) I most humbly and respectfully again pray that this applicable may kindly be considered on purely humanitarian grounds and orders may kindly be passed to pay my arrear amount and other benefits and also to revise my pension and other triable benefits. For this I shall remain grateful with highest regards.

Enclosures

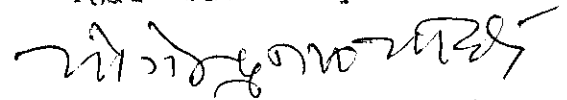
| | |
|--|----------|
| 1. B.P.O. 's letter No. 652 dt. 21.7.2003 | 01 page |
| 2. 10 applications as noted in para (9) above in this application | 10 " |
| 3) statement of arrear salary and allowances from 01.4.97 to 30.9.99 | 01 " |
| ----- | |
| Total | 12 pages |

Dated:- 16-11-11

अनुलग्नक

माननीय उच्च न्यायालय परजा
द्वारा दिनांक 4-11-11 को
पारित मूल आदेश की प्रमाणित
प्रतिलिपि को ध्यान प्रति -- दी जाती

Your faithfully



(Yogendra Narayan yadav)

Retired Panchayat Sewak

Kumarkhand Block

village Chakla

P.O. scripur

P.O. & Distt. Madheura

बिहार पेन्शनर समाज

जिला शाखा - मधेपुरा - 852113 (बिहार)

प्री. (डा.) रामचन्द्र प्रसाद यादव

अध्यक्ष

से.नि. विभागाध्यक्ष, अंग्रेजी विभाग

टी.पी. कॉलेज, मधेपुरा

मो. : 9431888863



रघुनाथ प्रसाद यादव

सचिव

से.नि. शिक्षक

रा.केशव.क.उ.वि., मधेपुरा-सह-पूर्व संस्थापक

सचिव, जिला मा.शि. संघ, मधेपुरा

जयपालपट्टी चौक, वार्ड नं.-15, मधेपुरा

दूरभाष : 06476-222306

मो. : 9472826909

प्रेषक :

हरिनन्दन प्रसाद यादव

निदेशक पर्वद

पूर्व संस्थापक प्रधान सचिव

जिला प्रा. शिक्षक संघ, मधेपुरा

अध्यक्ष, मानवाधिकार संरक्षण प्रतिष्ठान

मधेपुरा, जयपालपट्टी चौक,

वार्ड नं.-14, मधेपुरा

मो. : 8002366859

कपिलदेव यादव

उपाध्यक्ष

सेवा निवृत्त प्र.अ.

टी.पी. कॉलेजिएट, मधेपुरा

मो. : 9661739817

श्रीमती प्रेमलता सिंह

उपाध्यक्ष

सेवा निवृत्त प्र.अ.

प्राथमिक विद्यालय, दुर्गास्थान, मधेपुरा

मो. : 9430663697

सियाराम यादव

कोषाध्यक्ष

सेवा निवृत्त जनसेवक

कपिल नारायण

संयुक्त सचिव

सेवा निवृत्त शिक्षक

दूरभाष : 06476-223950

रामेश्वर प्रसाद यादव

संयुक्त सचिव

सेवा निवृत्त प्र.अ.

आनन्दी पासवान

पत्रांक- 10

दिनांक- 14.11.2008

सेवा में,

जिला पदाधिकारी

सह

रामेश्वर, मधेपुरा

मधेपुरा दिनांक- 14 वीं नवम्बर -2008

विषय :-

सेवा निवृत्त पंचायत सेवक श्री योगेन्द्र नाथ यादव द्वारा जिला प्रोपुस धाना जिला- मधेपुरा के लीव लेखन भुगतान करने के संबंध में।

प्रसंग :-

बिहार पेन्शनर समाज जिला शाखा मधेपुरा का एक दिनांक- 09 सप्टे दिनांक-10-11-11।

महोदय,

प्रस्तावित उपरोक्त विषयक संदर्भ में सादर दृष्टित करना है कि दिनांक-13-11-11 को माननीय उच्च न्यायालय बिहार पटना में दाखिल की गई थी योगेन्द्र नाथ यादव काम राज्य एवं अन्य में ही रह चुके हैं। 10/09/2008 में कार्यरत अधिकाता द्वारा माननीय उच्च न्यायालय द्वारा जारी न्युनतादेशों प्रमाणित प्रीलिमीन दिनांक-4-11-11 प्राप्त हुआ है जो उसे संलग्न कराया गया है।

एव/ अतः है कि सेवा निवृत्त पंचायत सेवक श्री योगेन्द्र नाथ यादव कुमार के प्रश्न को सभी मिलने वाले सभी का भुगतान करने की व्यवस्था कराई जाय।

प्रस्तावित एक सं-09 सप्टे दिनांक-10-11-11 जिला पदाधिकारी मधेपुरा को जिला दरदार में हमीपति दिया गया था।

श्रीमान,

A-4

16

प्रमुख विकास पदाधिकारी,

कुमारखण्ड ।

विषय:-माननीय उच्च न्यायालय बिहार पटना द्वारा रीट याचिका संख्या-

10388/2008 श्री योगेन्द्र नाथ यादव बनाम राज्य में पारित आदेश।

प्रसंग :-सेवा निवृत्त पंचायत सेवक श्री योगेन्द्र नाथ यादव ग्राम-पकला पोस्ट-

श्रीपुर खाना प जिला- मधेपुरा के लंबित वेतन मुगतान करने के संबंध में

बिहार पेंशनर समाज जिला शाखा मधेपुरा के सचिव के पत्रांक 10 दिनांक

14.11.2011 एवं श्री योगेन्द्र नाथ यादव द्वारा दिस नगर विभिन्न

पदाधिकारी को आपेदन अनिर्णीत जाकर दिनांक 16.11.2011 के

संबंध में ।

महोदय,

मनु निवेदन करना है कि प्रसंगाधीन विषयक संदर्भ में पंचायत सेवक के पद पर कार्यरत रहते हुए दिनांक 30.09.2003 को कुमारखंड प्रखण्ड में सेवा निवृत्त हुआ हूँ ।

यहाँ यह जानकारी देना आवश्यक ही होगा कि प्रखण्ड विकास पदाधिकारी कुमारखण्ड के भागांक 652 दिनांक 21.07.2008 से मुझे यह सूचना मांगे गई थी कि कलाये वेतन संबंधी विवरणी कार्यालय में अधोहस्ताक्षरी के समक्ष पेश करें ताकि लंबित वेतनों का मुगतान किया जा सके ।

महोदय, प्रखण्ड कार्यालय कुमारखण्ड द्वारा मांगे गए कलाये वेतन विवरणी संबंधी दावों को लिखकर कंडेसक वार कार्यालय में समर्पित कर चुका हूँ, परन्तु उसके बाद भी उसके मुगतान के संबंध में कोई कार्रवाई अभी तक नहीं हो पाई है ।

प्रखण्ड कार्यालय के व्यवहार से तंग होकर मैंने माननीय उच्च न्यायालय बिहार पटना में अपने दावों के मुगतान के लिए रीट याचिका सं-10388/2008

समर्पित किया । उसके बावजूद प्रमुख विकास पदाधिकारी कुमारखण्ड द्वारा काउन्टर

क्वॉच-पत्र भी माननीय उच्च न्यायालय बिहार पटना में दाखिल नहीं किया

गया । ताकि लंबित दावों का मुगतान न हो सके । यह प्रखण्ड विप पदाधिकारी

कुमारखण्ड का क्रूर उपतन्त्री मेरे साम होने का उदाहरण है ।

इतना ही नहीं, मैंने लखनऊ, बिहार पेंशनर समाज मधेपुरा में भी

माननीय उच्च न्यायालय बिहार पटना द्वारा उक्त रीट याचिका में पारित

आदेश की प्रतिकृति संतान करे हुए बकाय वेतन मुगतान हेतु प्राप्तो जी, परन्तु उसका कोई लाभ अभी तक नहीं पा सका हूँ ।

पुनः मने दिनांक 16.11.2011 को 418 अनुमंडल पदाधिकारी, मधेपुरा ।
28 प्रखण्ड विकास पदाधिकारी, कृष्ण कुमारेखण्ड जिला मधेपुरा को संबोधित आदेश से अपने बकाये मुगतान हे संबोधित विवरणी साथ में माननीय उच्च न्यायालय बिहार पटना द्वारा सी० संख्या-10388/2008 में पत्रित आदेश की छायाप्रति संतान कर आवश्यक कार्यवाही हेतु संतान किया हूँ ताकि मेरे पूर्व के बकाय वेतन एवं सरकार द्वारा जे वेतन आयोग के संदर्भ में बकाय बय वेतन एवं अन्य का लाभ मुझे मिल सके ।

महोदय, अभी तक आपसे तथा संबोधित किसी भी पदाधिकारियों से वेतन मुगतान संबंधी सुनारें प्राप्त न हुई है। इससे साफ जाहिर होता है कि मेरे पूर्व लिखित वेतन मुगतान एवं सरकारी आदेशों से वेतन में हजाफा संबंधी किसी भी प्रकार का मुगतान करने की संज्ञा प्रतीत नहीं हो रहा है ।

ऐसी स्थिति में उपरोक्त बातों को मधेनजर करे हुए पुनः निवेदन करना चाहूंगा कि मेरे बकाय वेतन का मुगतान करने की कार्यवाही करते हुए मुझे सुचित करने की कृपा दफोयी जाए ।

आवेदक पार्थी

श्यामसुन्दर नाग यादव

ग्राम- चकला

पो- श्रीपुर

खाना पो जिला- मधेपुरा ।

बिहार

भारतीय डाक
INDIA POST
K. MADHUPURA PDS-852112
3215
Counter No:1, CP-Code:1FC1
To: PRANJAN VIKASH PADAHIKARI
Kumarkhand S.O, PIN:852112
Wt:20grams,
FS:22.00, 16/01/2012, 12:50
«Have a nice day»

16/11/12