

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2715 of 2011**

Shivendra Pd. Singh ..... Petitioner/s  
Versus  
The State Of Bihar & Ors ..... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Singh  
For the Respondent/s : Mr. Lalit Kishor AagI

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 25-01-2012

Since there is a clear and categorical statement made in paragraph 3 of the show cause that the petitioner has been paid all his retiral dues from the resources which was made available to the BISCOAUN and based on the observation of the Division Bench settlement of those dues is being made on chronological basis as per the availability of the fund. There is not enough fund for payment of past salary for the time being, though they do not dispute that there is an obligation upon them to pay the said dues to the employees in this regard.

In the totality of the circumstance, therefore, the earlier direction for payment of salary would mean to modify to the extent that the obligation upon the BISCOAUN remains as an obligation and as and when situation improves for making

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payment of past dues under the salary Head pre-retirement, arrear of pre-retiral salary shall be paid even to this petitioner also.

This contempt application is disposed of with the observation aforesaid.

Amin/-

*s/*  
(Ajay Kumar Tripathi, J.)

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*Ajay Kumar Tripathi*  
For Joint Registrar (J.R.)

01/04/12

Patna High Court

Authorized U/S 76 of Act of 1978

*Secy*  
Secy Assistant

01/02/2012

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