

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1321 of 2019

Applicant :- Kailash Nath Sinha

Opposite Party :- Manoj Kumar, Divisional Railway Manager
And Another

Counsel for Applicant :- Wahaj Ahmad Siddiqui, Kamal Krishna
Roy, Sanjay Kumar Om

Counsel for Opposite Party :- Dhananjay Awasthi, Arun Kumar
Gupta

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court, on 07.12.2017, while allowing Writ-A No.62778 of 2010 had granted various benefits to the applicant after setting aside the order passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad.

Pursuant to the order of the writ Court, an affidavit of compliance as well supplementary affidavit of compliance has been filed by the opposite parties.

In para 8 of the supplementary affidavit of compliance filed on behalf of the opposite parties, details of the payments made to the applicant along with cost awarded by the writ Court have been given.

A reply to the said affidavit of compliance has been filed by the applicant, wherein in para 6, it has been stated that the difference in the pension between 01.07.2001 to 31.12.2005 has not been paid as well as 7% interest has also been sought for the period from 01.07.2001 to August 2020. Further, the penal interest of 18% has already been sought by the applicant which is to be paid.

From the perusal of the supplementary affidavit of compliance, specially para 8, it is clear that the entire amount as claimed has already been given, except 18% penal interest which has been claimed. There is no direction of the writ Court for paying the penal interest, as such, the claim made for the penal interest is misconceived.

In view of the said facts as the order of the writ Court has been substantially complied with by the opposite party, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 5.12.2023

SK Goswami