

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6210 of 2023

Applicant :- Dinesh Narayan Srivastava

Opposite Party :- Rakesh Kumar Mishra, Managing Director(Urban)

Counsel for Applicant :- Yogesh Shukla, Kamlesh Kumar Tiwari, Priya Tiwari

Hon'ble Rohit Ranjan Agarwal, J.

1. A compliance affidavit has been filed by opposite party, which is taken on record.

2. The writ Court on 24.2.2020 while disposing of writ petition had required the opposite party to consider the claim for interest on delayed disbursement of retirement benefits keeping in mind the law laid down in the case of **Yogendra Singh & Ors. vs. State of U.P. & Ors.**, Writ -A No.23639 of 2016.

3. In the compliance affidavit the opposite party has come up with a case that except the interest, the entire payment which could not be paid due to financial hardship, has been made. A reasoned order was passed on 20.10.2023 copy of which has been brought on record as Annexure 1 to the compliance affidavit.

4. The order has been passed by the opposite party complying the order of the writ Court and there is no direction as to the payment of interest in the writ petition, the only consideration was to be done by the authorities in view of the law laid down in the case of **Yogendra Singh (supra)**. This court finds that no roving inquiry can be done by this Court while exercising power under Section 12 of the Contempt of Courts Act keeping in view the mandate of Apex Court in the case of **Dr. U.N. Bora, Ex. Chief Executive Officer and others Vs. Assam Roller Flour Mills Association**

and another 2022 (1) SCC 101.

5. The contempt application fails and is hereby dismissed.

6. Contempt notice stands discharged.

7. However, it is open to the applicant to assail the order passed by the opposite party before the appropriate forum, if so advised.

Order Date :- 27.10.2023

Kushal