

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 837 of 2020

Applicant :- Anil Kumar Verma

Opposite Party :- Sri Nitin Ramesh Gokaran Prin. Secy. P.W.D. Lko And Others

Counsel for Applicant :- Alok Mishra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Alok Mishra, learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel.
2. Sri Ram Swaroop, learned Standing Counsel has stated that the order of Writ Court has been complied with.
3. However, Sri Alok Mishra, learned counsel for the petitioner has stated that only post-retiral dues has been paid to the petitioner but such payment has been made after substantial delay, therefore, the petitioner should have been paid the reasonable interest on the delayed payment. He has also submitted that there is specific statutory prescription for making payment of interest if the payment of gratuity is paid after substantial delay.
4. Sri Mishra has also submitted that while making the payment of post-retiral dues, some deductions have also been made from the petitioner whereas the petitioner has retired from the post of Junior Engineer which comes within the category of Class-III post, so no deduction could have been executed against the petitioner in the light of dictum of Apex Court in the case of **State of Punjab and others Vs. Rafiq Masih (white washer) [2015 AIR (SC) 696]**.
5. The submission of Sri Alok Mishra is reasonable and appears to be bonafide, inasmuch as if the authority has made payment of post-retiral dues after substantial delay, the claimant should have been paid the reasonable interest and the admissible interest should be paid on the delayed payment of gratuity and in view of the dictum of Apex Court in the case of **Rafiq Masih (supra)**, no deduction from the post-retiral dues could be executed after the retirement and since the law so propounded by the Apex Court is law of land, therefore, it should not be flouted.
6. Be that as it may, since the Writ Court has not issued any specific direction for making payment of interest on delayed payment of the post-retiral dues and before the Writ Court,

there was no case of parties regarding deduction from the post-retiral dues, therefore in a contempt proceeding, no such direction can be issued. However, the petitioner may claim the aforesaid benefits from the authority concerned and authority concerned may pass appropriate order thereon. If the appropriate order is not passed, the petitioner may very well approach the competent court of law for redressal of his grievance to that effect.

7. In view of the above, nothing remains to be adjudicated in the present contempt petition.

8. Accordingly, the contempt petition is ***dismissed***.

9. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 29.11.2023

kkv/