

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2289 of 2023

Applicant :- Daya Shankar Pandey

Opposite Party :- Shri Yogendra Pratap Singh, Chairman / Sabhapati, C/M, Cooperative Bank Ltd., Sultanpur And Another

Counsel for Applicant :- Surya Mani Pandey

Counsel for Opposite Party :- Ashutosh Singh

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Ashutosh Singh, learned counsel for the opposite parties/ contemnors.

2. Sri Ashutosh Singh, learned counsel for the opposite parties has drawn attention of this Court towards affidavit of compliance filed on 28.10.2023 showing para-4 whereby the prayers of the petitioner so prayed before the Writ Court have been quoted, para-5 whereby the operative portion of the order of the Writ Court has been quoted and para-7 whereby it has been categorically indicated that in terms of order of the Writ Court the payment of all admissible dues to the petitioner has been made. Annexure No.SCA-1 has also been annexed indicating therein that petitioner has been paid the admissible dues. Thereafter, attention has been drawn towards para-8 and para-15 of the affidavit whereby it has been indicated that the petitioner has been given a cheque of Rs.8,32,983/- regarding the aforesaid dues and copy of the aforesaid cheque has been annexed as Annexure No.SCA-2 with the affidavit of compliance. Further, a sum of Rs.2,53,330/- has been transferred to the Saving Bank Account of the petitioner and Annexure No.SCA-3 is a letter dated 19.10.2023 to that effect.

3. Therefore, as per Sri Ashutosh Singh, substantial compliance of order of the Writ Court has been done.

4. Learned counsel for the petitioner has filed objection wherein he has indicated that the petitioner has not been paid salary from March, 2018 to July, 2018, he has not been given increment properly, bonus has been withheld and he has not been paid interest on gratuity and group insurance.

5. Be that as it may, so far as the aforesaid payment of the petitioner is concerned, the Writ Court has not directed to make payment of interest to the petitioner on delayed payment but the

law is trite that an employee would be entitled for interest on delayed payment of gratuity if there is any deliberate and unexplained delay. Therefore, the petitioner may claim interest on delayed payment of gratuity before the Competent Authority and it is needless to say that if there is unexplained delay on payment of gratuity, the petitioner would be entitled for interest strictly in accordance with law but the Writ Court has not directed for the same, therefore, the direction to that effect may not be issued by the Contempt Court. Besides, if there are some more unpaid dues to the petitioner for which the petitioner is legally entitled, he may approach to the Competent Authority claiming those dues and if those dues including the interest on delayed payment of gratuity and other retiral dues have not been paid to the petitioner, it is needless to say that the petitioner may approach before the Competent Court of law for redressal of his grievance but the Contempt Court may not issue any direction for redressal of those grievance.

6. Therefore, in view of the above, nothing remains to be adjudicated in the instant contempt petition.

7. Accordingly, the instant contempt petition is ***dismissed***.

8. Notices, if any, stand discharged.

9. However, it is always open for the petitioner to do the needful in terms of this order.

[Rajesh Singh Chauhan,J.]

Order Date :- 23.11.2023

Suresh/