

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2983 of 2023

Applicant :- Dharmendra Singh

Opposite Party :- Anand Kumar Singh-li, M.D., Pradeshik Cooperative Dairy Federation Ltd., Lko.

Counsel for Applicant :- Sanjay Kumar Srivastava, Akshat Kumar

Counsel for Opposite Party :- Lalit Shukla

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the petitioner and Sri Lalit Shukla, learned counsel for the sole opposite party.

2. The Writ Court has passed order dated **10.01.2023**, which reads as under:-

"Heard learned counsel for the petitioner.

Present petition has been filed with the following prayer:

"(i) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to make outstanding amount of difference of salary along with consequential benefits including difference of arrear of gratuity, difference of arrear of leave encashment, Employer contribution of EPF, difference of arrear of CCA and HRA and interest accrued there on because of benefit of selection grade and one special increment on completion of 19 years of continuous satisfactory services and benefit of second promotional pay scale on completion of 24 years of continuous satisfactory services in pursuance of the order dated 24.10.2019 and 21.07.2021 passed by the Opposite party No. 3 contained as Annexure No. 1 and 2 to the writ petition forthwith.

....."

Contention of learned counsel for the petitioner is that the issue as raised in the present petition is squarely covered by a judgment of this Court in Writ Petition No.922 (SS) of 2021 [Ram Raj Singh and Ors. v. State of U.P. & Ors.) dated 13.1.2021.

It is also agreed in between the parties that the issue is also squarely covered by the decision of this Court dated 8.4.2022 passed in Writ - A No.2020 of 2022.

Considering the fact that the petitioner is entitled for his claims, the present petition is disposed off directing respondents to make the payments as claimed by the petitioner including the benefits of rendering the services on completion of 19 years and 24 years of continuous satisfactory service to the petitioner alongwith the other benefits like arrears of gratuity, arrears of leave encashment, employer contribution and the other benefits of CCA and HRA within a period of six months from today.

While according the benefits, the respondents shall pass a specific order with regard to the claim of interest over the said amount.

This order has been passed in the presence of Shri Lalit Shukla, learned counsel for respondent nos.2 & 3."

3. Sri Lalit Shukla, learned counsel for the sole opposite party has drawn attention of this Court towards the short counter affidavit showing Annexure No.SCA-1 thereto, which is a detailed order dated 04.11.2023 passed by the Managing Director, Pradeshik Co-operative Diary Federation Ltd. Lucknow.

4. In compliance of the aforesaid order, the authority has explained about the amount so paid to the petitioner. However, assigning the reason it has been indicated that the amount of gratuity, as prayed by the petitioner, could not be paid.

5. On the last date i.e. 05.12.2023, learned counsel for the petitioner was granted one week's time to file reply to the short counter affidavit.

6. However, learned counsel for the petitioner has stated that due to compelling reason such reply could not be filed, therefore, he may be given some reasonable time to file reply to the short counter affidavit.

7. Having heard learned counsel for the parties and having perused the material available on record, more particularly, the order dated 04.11.2023 passed by the Managing Director, I find that the order of the Writ Court has been complied with and the amount of gratuity, as prayed by the petitioner, has been denied indicating the reason, therefore, the petitioner may assail that part of order before the Competent Authority/ Court of Law. The petitioner is also permitted to raise his grievance before the Competent Authority, if the amount so paid to the petitioner is not proper amount, but if there is any calculation mistake on the part of the authority, the same may not be adjudicated by the Contempt Court.

8. In view of the above, nothing remains to be adjudicated in the instant contempt petition.

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

10. Notice, if any, stands discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 18.12.2023
Suresh/