

**HIGH COURT OF TRIPURA
AGARTALA**

Cont. Cas(C) No.18 of 2024

Nataraj Datta

.....Petitioner(s)

Versus

Dr. K. Sasikumar & Ors.

.....Respondent(s)

For Petitioner(s)	:	Mr. S. Bhattacharjee, Adv.
	:	Dr. M.L. Roy, Adv.
For Respondent(s)	:	Mr. S.S. Dey, Advocate General.
	:	Mr. K. De, Addl. G.A.
	:	Mr. D. Sarma, Addl. G.A.
	:	Mr. P.K. Ghosh, Adv.
	:	Ms. A. Chakraborty, Adv.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

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21.05.2024

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. S. S. Dey, learned Advocate General appearing for the respondent nos.1,3,4, & 5.

Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondent no.2 as well as Mr. P. K. Ghosh, learned counsel appearing for the respondent no.6.

Mr. Bhattacharjee, learned counsel at the outset submits that all the directions as per the judgment passed by this Court in W.P.(C) No.377 of 2023 have been complied with by the respondents except the part that no interest on the gratuity amount was provided for delayed payment in terms of provision of Payment of Gratuity Act, 1972. Mr. Bhattacharjee, learned counsel also referred to para no.28 of the said judgment & order to the effect that this Court directed the respondents to make payment within 8(eight) weeks from the date of judgment of all post-retiral benefits to the petitioner as per 3(three) schemes as

mentioned in paragraph no.28 of the judgment apart from other benefits, if any, which he was otherwise entitled as per other rules/laws.

On that underscored part, Mr. Bhattacharjee, learned counsel gave his emphasis that as per that direction, the petitioner is now also entitled to get statutory interest under the provision of Payment of Gratuity Act, 1972 for such delayed payment and also entitled to gratuity amount as per the enhanced ceiling limit of Rs.20,00,000/- lakhs in terms of said Act.

On the other hand, Mr. Dey, learned Advocate General submits that there is a gross difference between a proceeding under contempt of Court Act and a proceeding for execution of a order of the Court and so far the contempt of court is concerned, conscious and willful disobedience shall have to be proved by the petitioner and if any such willful disobedience cannot be shown, no further order for granting any relief can be granted under any contempt proceeding.

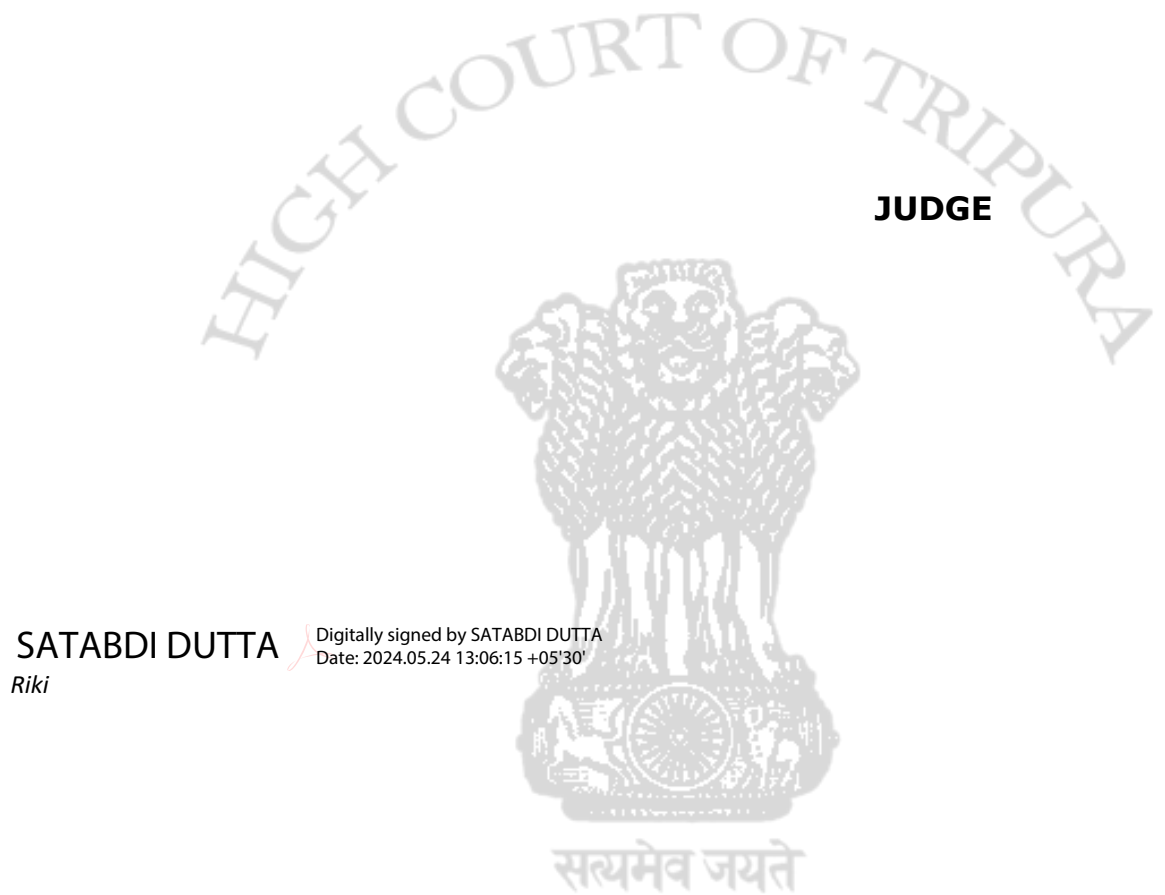
Considered rival submissions.

From the judgment dated 08.01.2024 passed in said WP(C) No.377 of 2023 itself, it is apparent that no specific direction was given to the respondent for making any payment of gratuity amount or interest as per the provision of Payment of Gratuity Act and only direction was given for making payment as per 3(three) LIC schemes as it reflected in the para no.28 of the judgment. This Court is of the view that under the garb of provisions of Contempt of Court Act, further entitlement, if any, of the petitioner under any other law cannot be re-adjudicated. So far, the compliance of the directions by the respondents is concerned, this Court is not inclined to pass any further order in this regard for making payment of any other relief or post-retiral benefits to the petitioner going beyond what was directed in the said judgment. However, it is always

open to the petitioner to lodge his claim, if any, in the appropriate forum in accordance with Law.

With such observations, the proceeding is hereby dropped.

Pending application(s), if any, shall also stand disposed of.



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