

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 82 OF 2014
IN
WRIT PETITION NO. 1065 OF 2013

Azam Khan. ... Petitioner.
Versus
Air India Limited & anr. ... Respondents.

Mr. S.C. Naidu i/b. C.R. Naidu & Co., advocate for petitioner.

Mr. S.K. Talsania, Sr. Counsel a/w. Kavita Anchan i/b. M.V. Kini & Co., advocate for respondents.

CORAM : B.R. GAVAI & A.S. GADKARI, JJ
DATE : APRIL 23, 2015

P.C.:

1 The Petitioner has filed the present contempt petition seeking contempt action for non-compliance of the order dated 21/2/2014 and the order dated 20/6/2014. Vide order dated 21/2/2014 the respondents were directed to give all the retirement benefits available to Petitioner on the footing that the date of superannuation is 30th April, 2013. It was further directed that necessary amount be

released to the Petitioner within a period of 6 weeks from the date of the said order.

2 Since the aforesaid amount was not paid, the petitioner was required to take out Notice of Motion (L) No. 262 of 2014. The same was disposed of by this Court vide order dated 20/6/2014. It is contended that the amount as directed by the said order was not paid. Vide order dated 20/6/2014 this Court recorded the statement made on behalf of the respondent No. 1 that sum of Rs. 8,84,171/- was payable, whereas the subsequent statement is made that sum of Rs. 11 Lakhs is payable. The Court found that so as to safeguard the interest of both the parties, it was appropriate that in the event, payment is not made as per order dated 21/2/2014, the Petitioner would be entitled to interest at the rate of 15 per cent per annum from 1/4/2014 till the date of payment. The Court further directed fresh computation to be given to the petitioner.

3 The computation, as directed by this Court vide order dated 20/6/2014, is placed on record. On the last date when the matter was called out, there was some dispute regarding certain deductions and as such, the matter was adjourned for today.

4 Shri Talsania, learned Senior Counsel fairly states that in so far as the items at Sr. No. 4, 5, 6 and 7 are concerned, the recovery is not correct. In so far as the item No. 8 is concerned, the learned Counsel for the Petitioner also agrees that the recovery is correct.

5 The learned Senior Counsel further states that the amount recovered at item No. 4, 5, 6 and 7 would be repaid to the Petitioner within a period of 4 weeks from today.

6 Since the respondents have shown their willingness to pay the amount to the Petitioner and since the petitioner has shown his willingness to accept the same and purge the contempt, we do not find it necessary to further go into the merits of the Petition. The

Petition is disposed of by directing the respondents to pay the aforesaid amount, within a period of 4 weeks from today alongwith interest, as directed by this Court vide order dated 20/6/2014. There is no order as to cost.

(A.S. GADKARI, J)

(B.R.GAVAI,J)