

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CONTEMPT CASE No.938 OF 2015

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ORDER:

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The present contempt case and the miscellaneous applications are filed aggrieved over the action of the first respondent in violating the orders passed by this Court by order, dated 24.02.2013 in W.P.No.25865 of 2005.

The brief facts of the case are as follows. Smt Lakshmi Suri, being the second wife of late Amarnath Suri, approached the authorities concerned seeking family pension as she is having three sons. When the authorities did not pass any orders on the representation of the petitioner herein, she filed a writ petition being W.P.No.22212 of 2000 and the same was dismissed. Against the said order, she filed writ appeal being W.A.No.2266 of 2003 and a Division Bench of this Court while disposing of the writ appeal directed the petitioner herein to file fresh application and the authorities are also directed to dispose of the said application in accordance with law. Accordingly, the petitioner submitted a fresh representation, dated 31.12.2003 to the Regional Director, Food, Southern Region, Chennai, who by order, dated 05.05.2004 rejected the representation of the petitioner. Then the petitioner submitted another representation, dated 18.12.2005 to the Hon'ble Minister for Agriculture, Consumer Affairs, Food and Public Distribution, Government of India, and the same was also rejected on the ground that according to para 4 of the Office Memorandum No.1/16/96, dated 02.12.1996 issued by the Secretary to Government of India, Department of Pensions and Pensioners Welfare, New Delhi. Challenging para No.4 of the said Office Memorandum, the petitioner filed the writ petition being W.P.No.25865 of 2005 and the same was disposed of by this Court, by order, dated 24.06.2013 and the relevant portion of the said order reads as under.

Respondents 1 and 2 are hereby directed to conduct a *de novo* enquiry into the matter by appointing the competent authority to enquire

into the matter after giving reasonable opportunity to the petitioner and the third respondent to put forth their pleas. The petitioner is also directed to furnish the copies of the documents to respondents 1 and 2. Be it made clear that in the light of the observations made by the apex Court in the Judgments referred supra, respondents 1 and 2 need not drive the petitioner to seek a declaration from the civil Court and they have to decide the only point whether the petitioner is the second wife of late Amarnath Suri and the three sons of the petitioner are born to her through late Amaranth Suri. If respondents 1 and 2 are satisfied with the documents furnished by the petitioner and by the enquiry made by them, it is sufficient for them to grant a share to the three sons of the petitioner in the family pension of late Amarnath Suri. Respondents 1 and 2 shall complete the above exercise and pass appropriate orders within a period of four (04) months from the date of receipt of copy of this order.

The petitioner submits that, though by the order extracted as above, this Court directed the authorities concerned to conduct *de novo* enquiry and pass appropriate orders, the authorities concerned have not followed the directions of the above order and refused to grant pension to the petitioner herein, which amounts to contempt of court orders.

Heard and perused the material available on record.

In the order, dated 24.06.2013, passed in W.P.No.25865 of 2005, it is very clear that the authorities concerned shall appoint an inquiry officer and conduct *de novo* enquiry whether the petitioner and her three sons are entitled to pension. On perusing the material available on record, this Court is of the view that the authorities concerned have appointed Inquiry Officer, who after a detailed and thorough enquiry, came to a conclusion that the petitioner and her sons are not entitled for a share in the family pension. Basing on the enquiry report, the first respondent passed an order, dated 07.02.2014, refusing share in the family pension to the petitioner and her sons.

This Court is of the view that the directions given by this Court vide order dated 24.06.2013, in W.P.No.25865 of 2005, have been followed by the first respondent and the first respondent has not violated any of the directions of this Court. Further, if it is the case of

the petitioner that the order passed by the first respondent is erroneous in view of the fact that the first respondent has not appreciated the facts in proper perspective, the same does not attract contempt. Hence, the action of the first respondent cannot be treated as contempt of Court as the first respondent has followed the directions issued by this Court. Hence, the contempt case is closed.

In view of the closure of the contempt case, the applications filed in the contempt case are also closed.

If the petitioner is aggrieved by the order of the first respondent, dated 07.02.2014, she is at liberty to approach an appropriate forum challenging the observations and findings of the order of the first respondent.

JUSTICE RAJA ELANGO

17.11.2015

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