NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 69 of 2014

Anjlina Joseph W/o Dr. R.W. Joseph Aged About 84 Years R/o Near Collector Bungalow, Civil Lines, P.S. Civil Lines, Bilaspur C.G.

---- Petitioner

Versus

Shri Amar Singh Thakur S/o Joint Director, Health Services, Bilaspur Division, Sendri, P.S. Koni, Bilaspur C.G.

---- Respondent

For Petitioner : Mr. Jitendra Pali, Advocate
For Respondent : Mr. Ashish Shukla, Advocate with the respondent.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/11/2016

Heard.

1. This contempt petition is filed by the petitioner alleging that despite the order passed by this Court on 11.01.2013, no steps were taken towards examination of petitioner's case in terms of the observations and directions given by this Court in para 5 of the order.

2. In view of the statement so made before the Court and affidavit in the contempt petition, this Court had issued notices to respondent and had also directed the Joint Director, Treasury, Accounts & Pension to be impleaded as party.

3. Learned counsel for the petitioner submits that the petitioner's arrears of pay prior to her retirement have not been properly computed and the petitioner disputes computation which have been prepared vide Annexure R/1 annexed along with the reply. Learned counsel for the petitioner also submits that according to the petitioner, she was entitled to actual payment of salary in the revised pay scale with effect from 01.01.1986, till her retirement on 30.06.1988. It is also the case of the

petitioner that at the time of retirement, the case of the petitioner was not prepared on the basis of fixation of pay in the revised pay scale effective from 01.01.1986.

4. Learned counsel for the respondent referring to the document placed on record by the petitioner as well as by the respondent submits that the respondent, after receipt of the order of the Court had proceeded to examine the claim of the petitioner who was afforded a personal hearing also and upon examination at the level of the Chief Medical Health Officer under whom, the petitioner worked at the relevant time, it was found that the arrears of pay upon pay fixation have already been paid to the petitioner as mentioned in the computation chart and the Joint Director, Treasury, Accounts & Pension, vide his letter dated 06.06.13 had informed to the office of the Accountant General that pension to the petitioner have been finalized and has already been properly computed. Therefore, nothing is required to be done. It is submitted that in view of the above, no further steps were left to be taken by the respondent. Learned counsel for the respondent as also the respondent, who is present in the Court, submit that all the steps which could be taken by the respondent towards consideration of the case of the petitioner have already been taken by them and in their best decision, order of the Court has been complied with by scrutinizing and examining the case of the petitioner.

5. After hearing learned counsel for the parties and perusing the pleadings and document on record, I find that after the order was passed by this Court, the matter was taken up by the respondent, he had afforded personal hearing to the petitioner also and thereafter, the claim of the petitioner was scrutinized and computation was also made. It is also found that as far as the revision of pay and computation of pension part is concerned, the Joint Director, Treasury, Accounts & Pension had also examined the matter as at his own level and it appears that upon such scrutiny, the respondent assert that nothing more is payable to the petitioner.

6. In view of the examination, which has already been undertaken by respondent after the order passed by this Court, I am satisfied that at his own level, the respondent has already considered the case of the petitioner.

7. May be that the petitioner is not satisfied with the correctness of the decision which has been taken by the respondent -Joint Director, Health Officer and Joint Director, Treasury, Accounts & Pension. However, the correctness and legality of the decision cannot be gone into in this contempt petition because this Court had not decided the lis between the parties. As the order of this Court passed earlier on 11.01.13 shows, various grievance of the petitioner were noted and taking into consideration that the petitioner is a retired employee of the year 1988, directions were issued for scrutinizing of the petitioner's case. Therefore, in these circumstances, I am of the view that no contempt petition is made out. Leaving the petitioner to work out his remedy if she has any grievance with regard to the correctness of the decision taken by the respondent, Rule is discharged. The contempt petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha