

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.545 of 2016

DATED : 01.08.2016

Between:

J. Appa Rao S/o.Appanna,
Aged 60 yrs, Occu :Retd. Asst. Manager,
District Cooperative Central Bank,
V.Madugula Branch, Visakhapatnam

.. Petitioner

AND

A.Veera Babu,
The Chief Executive Officer,
The District Cooperative Central Bank Limited,
Visakhapatnam, Visakhapatnam District.

.. Respondent

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The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.545 of 2016

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ORDER:

This contempt case is filed to punish the respondent for flouting and violating the orders passed by this Court in W.P.M.P.No.50618 of 2015 in W.P.No.39260 of 2015 dated 08.12.2015.

2. By proceedings dated 10.09.2015 petitioner was visited with punishment of reversion after he retired from service and his gratuity and leave encashment were not paid.

3. The operative portion of the order of this Court reads as under :

"Having regard to the same, the respondents are directed to release the gratuity amount to the petitioner within a period of two weeks from the date of receipt of a copy of this order and rest of the amount payable to the petitioner is subject to the result of the writ petition. If the petitioner succeeds in the writ petition, he is entitled to claim the interest payable to fixed deposit account from the date of retirement till the amount is paid."

4. From a reading of the above extract, the petitioner was directed to be paid gratuity as per his entitlement.

5. According to the respondent since the order of reversion is not suspended, gratuity amount is calculated treating the status of the petitioner as on the date of his retirement as Assistant Manager, and gratuity amount was decided.

6. Learned counsel for the petitioner contends that the order of reversion is not valid as the same was passed after his retirement and if the original status is taken into consideration he would have got more gratuity and not paying the full gratuity as per his entitlement amounts to violation of the order of this Court.

7. As noted above, the direction of this Court was to pay only gratuity amount. How to work out the gratuity and in what cadre to be paid was not directed by this Court. Therefore, the amount paid cannot be said as in violation of the order of this Court, more so, willful or deliberate. Thus, contempt proceedings are not maintainable.

8. Accordingly, the contempt case is closed. However, it is made clear that whatever amount is paid to the petitioner shall abide the ultimate result in the writ petition, and if petitioner succeeds in establishing against the reversion and recovery, he is entitled to claim interest till the amount is paid. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,J

1st August, 2016
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