

CONTEMPT CASE No.102 of 2016

Between:

.. Petitioner

Sri S.K. Roy, Chairman,
Life Insurance Corporation of India,
Central Office,
Yogakshema, Mumbai – 400 021 & 3 others.

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.102 of 2016

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ORDER:

The disciplinary proceedings initiated against the petitioner resulted in imposing punishment of reduction by three stages in the time scale of pay and recovery of pecuniary loss caused to the Corporation to a tune of Rs.6 lakhs. The appeal preferred by the petitioner on 18.11.2015 was pending and even before it was disposed of, petitioner was served with letter dated 14.11.2015 directing her to pay the loss quantified by the disciplinary authority. Aggrieved thereby W.P.No.39729 of 2015 was filed by the petitioner.

2. This Court having noticed that appeal is pending, disposed of the writ petition as under :

“Having regard to the above, the Writ Petition is disposed of directing the 2nd respondent to pass orders on the appeal preferred by the petitioner on 18.11.2015 as expeditiously as possible. The respondent-Corporation is directed not to recover the amount quantified by the disciplinary authority till passing of the orders by the 2nd respondent. There shall be no order as to costs.”

3. In the meantime, there was revision of pay scales effected from 01.08.2012 which was implemented on 15.01.2016. According to the petitioner arrears of amount on account of revision of pay scales was determined and paid to all the co-employees, but whereas the amount was not paid to her. By the time the amount was paid to other co-employees, no orders were passed in the appeal as directed by this Court and withholding the amount before orders are passed by the appellate authority amounts to violating the order of this Court. Hence, this Contempt case is filed.

4. By referring to various documents learned counsel for the petitioner submits that the material on record would disclose that the arrears amount to co-employees was paid before 19.01.2016, but the same was not paid to the petitioner. Learned counsel also pointed out that the respondent made a wrong statement of non-disbursement of amounts to co-employees but the material on record discloses that the amount was paid and this would

show the deliberate action on the part of the respondents.

5. A bare perusal of the order passed by this Court would show that until the appeal is decided no recovery shall be affected. The appeal was decided on 19.01.2016 and within few days after the decision of implementing the revision of pay scales was made. There was no direction from this Court not to pay arrears of amount due to other co-employees. The direction was only not to recover the amount quantified by the disciplinary authority till the appeal is decided. Admittedly, the arrears of amount due to the petitioner on account of revision of pay scales is worked out but not paid to the petitioner and the amount was adjusted after the appellate authority passed orders.

6. When specifically asked by this Court, learned counsel for the petitioner fairly submits that the arrears of amount due were not credited to the arrears account of the petitioner before the appellate authority passed the order and subsequently directions were issued to adjust the amount towards the arrears due. Thus non payment of amount on account of revision of pay scales does not amount to violation of order of this Court.

7. It is an admitted fact that the disciplinary authority has determined Rs.6 lakhs as due to the Corporation on account of the loss caused by the petitioner. The appeal was ultimately decided against the petitioner. Thus, in the interregnum period, the amount accrued on account of revision of pay scales, in normal circumstances could not have been released by the employer when the amount is due from the petitioner. Thus, the action of the respondents cannot be said as willful and deliberate disobedience of the order of this Court to proceed under the contempt of Courts Act.

8. Accordingly, contempt case is closed. 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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