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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 65/2016 & CM APPL. 2579/2016

SUNIL KUMAR

Through

..... Petitioner

Mr. G.S. Charya, Advocate

versus

C R GARG

Through

..... Respondent

Ms. Avinish Ahlawat, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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22.07.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 15th October, 2015 passed in W.P.(C) 7269/2011 whereby the petitioner was directed to be reinstated and compensation of Rs. 50,000/- was directed to be paid.

In the present contempt petition it has been averred that the petitioner had not been reinstated with compensation of Rs. 50,000/-.

The respondent in its reply-affidavit has averred as under:-

“2. That order dated 15.10.2015 passed by this Hon’ble High Court has been fully implemented. As per the order, Deputy Manager, PLD, vide his letter dated 26.11.2015 directed the petitioner to report to DM, Vasant Vihar Depot with valid conductor license for further duties but, he did not report for the same. Pursuance to the letter again issued on 03.02.2016, the petitioner has joined duty from 08.02.2016. As a matter of fact, petitioner should himself had approached the DTC for joining the duty which he failed to do so.

3. That as per the order registrar Delhi High Court has after retaining Rs. 50000/- for payment to the petitioner, refunded the balance excess amount to DTC. It is for the petitioner to make

appropriate application before the Hon'ble High Court for refund of Rs. 50,000/- which amount have been retained by the registry of Delhi High Court as per Court order."

Today, learned counsel for petitioner admits that the petitioner has been reinstated in service and that the amount of Rs. 50,000/- has been released by the Registry of this Court. He, however, states that the petitioner has been reinstated only on 8th February, 2016 and not immediately after pronouncement of judgment dated 15th October, 2015.

A perusal of the paper book reveals that there is no document on record to show that the petitioner had reported for duty between 15th October, 2015 and 8th February, 2016. It is pertinent to mention that it is the respondent's case that though vide letter dated 26th November, 2015 they had invited the petitioner to report for duty along with a valid conductor licence, yet the petitioner had joined duty only on 8th February, 2016 and that too in pursuance to the second letter dated 3rd February, 2016.

It is the case of the petitioner that letter dated 26th November, 2015 was never served upon the petitioner.

However, this Court is of the opinion that the dispute with regard to delay in joining cannot be decided in a contempt proceeding. Consequently, present contempt petition and application are closed and notices issued are discharged. However, petitioner is given liberty to agitate his grievance with regard to four months pay by filing appropriate proceedings in accordance with law. This Court clarifies that it has not expressed any opinion on the merits of the controversy. All rights and contentions of parties are left open.

MANMOHAN, J

JULY 22, 2016

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