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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 931/2015

KIRAN KUMAR JAIPURIAR Petitioner
Through: Petitioner in person.

versus

P.PRADEEP KUMAR Respondent
Through: Mr. Neeraj Kishan Kaul, ASG with
Mr. Rajiv Kapir. Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.07.2016

Present contempt petition has been filed alleging wilful disobedience of the Division Bench judgment and order dated 06th April, 2015 passed in W.P.(C) 2353/2014 vide which the respondents were directed to re-compute the pension payable to the petitioner after taking into account the revised salary for the month of April, 1998 in terms of the Bipartite Settlement. The relevant portion of the Division Bench judgment is reproduced hereinbelow:-

“12. Since while fixing petitioner’s pension when he superannuated on April 30, 1998, the average salary drawn in the last twelve months formed the basis on which pension was paid, it is apparent that for one out of the twelve months i.e. the month of April, 1998, benefit of enhanced salary which the petitioner received by way of arrears pursuant to the Bipartite Settlement for the year 2000 had to be extended and pension recomputed.

13. Learned counsel for the State Bank of India concedes so.

14. Thus, the writ petition as well as the above captioned application are disposed of issuing a direction to the State Bank of India to re-compute the pension payable to the petitioner by taking into account the last twelve months' salary received by him, which as noted above, would mean the salary which petitioner received for the month of April, 1998 in terms of the Bipartite Settlement, and arrears to be paid within a period of 12 weeks from today."

Mr. Neeraj Kishan Kaul, learned ASG draws this Court's attention to the re-computed pension sheet of the petitioner at page 34 of the paper book. The relevant portion of the re-computed pension sheet is reproduced hereinbelow:-

"Pension calculation as per revised salary taken w.e.f. 01.04.1998

<i>Sl.No.</i>	<i>Month</i>	<i>Salary</i>
<i>1</i>	<i>May 1997</i>	<i>8510.00</i>
<i>2</i>	<i>June 1997</i>	<i>8510.00</i>
<i>3</i>	<i>July 1997</i>	<i>8510.00</i>
<i>4</i>	<i>August 1997</i>	<i>8740.00</i>
<i>5</i>	<i>September 1997</i>	<i>8740.00</i>
<i>6</i>	<i>October 1997</i>	<i>8740.00</i>
<i>7</i>	<i>November 1997</i>	<i>8740.00</i>
<i>8</i>	<i>December 1997</i>	<i>8740.00</i>
<i>9</i>	<i>January 1998</i>	<i>8740.00</i>
<i>10</i>	<i>February 1998</i>	<i>8740.00</i>
<i>11</i>	<i>March 1998</i>	<i>8740.00</i>
<i>12</i>	<i>April 1998</i>	<i>13560.00</i>
	<i>Total</i>	<i>109010.00</i>
	<i>Average Salary</i> <i>Calculation of pension</i>	<i>9084.16</i>
<i>a)</i>	<i>Basic pension = 50% of</i> <i>Salary</i>	<i>4542.08 i.e. 4542.00</i>
<i>b)</i>	<i>Pension as per calculation</i>	$\frac{9084 \times 264}{720} = 3330.80$ <i>i.e. 3331/-</i>
<i>c)</i>	<i>Minimum of a) or b)</i>	<i>Rs.3331/-</i>

From the aforesaid re-computation pension sheet it is apparent that the petitioner's revised salary for the month of April, 1998 in accordance with the Bipartite Settlement has been taken into account while re-computing the petitioner's pension.

At this stage, petitioner, who appears in person, states that his pension has not been computed in accordance with law inasmuch as the Dearness Allowance has not been taken into account.

Mr. Kaul learned counsel for respondents states that the revised Dearness Allowance has been taken into account while calculating the petitioner's revised pension. He states that as the Dearness Allowance got merged with the revised basic salary, the revised Dearness Allowance has been taken into account and the pension amount has been subsequently revised from Rs.3,331/- to Rs.4541/-.

Keeping in view the aforesaid, this Court is of the opinion that there is no wilful disobedience of the Division Bench order dated 6th April, 2015. Consequently, present contempt petition is closed.

However, if the petitioner is of the opinion that the revised computation of pension is not in accordance with law, he is given liberty to file appropriate proceedings in accordance with law. Rights and contentions of all parties are left open.

MANMOHAN, J

JULY 28, 2016

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