

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 130 of 2015

Order Reserved On : 28/04/2017

Order Passed On : 07/07/2017

- H. R. Yadav S/o Late Roopchand Yadav Aged About 65 Years, retired H.S.C.L. Employee, Bhilia Unit, R/o Radhika Nagar, Bhilai, Tahsil & District Durg Chhattisgarh

---- Petitioner

Versus

1. Shri Mayukh Bhaduri, Chairman Cum Managing Director, Hindustan Steel Works Construction Limited Registered Office P-34A, Daliya Hat Road South Calcutta-700031 (W.B.)
2. Shri A. Lahili, Executive Director HSCL, Branch Office Bhilai, District Durg Chhattisgarh

---- Respondent

For Petitioner : Shri H.R. Yadav, in person.

For Respondents : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

1. This contempt petition filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act alleges non-compliance of the order dated 28.1.2015 in WPS No.494/2010.
2. It is contended that pursuant to the order in Writ Petition, the petitioner made a representation before the contemnors on 13.2.2015, however,

the representation is not decided and the dues admissible to the petitioner have not been paid, therefore, the contemnors have committed contempt of the lawful authority of this Court.

3. In response to the rule issued by this Court, the respondents have filed their reply, inter alia, contending that the following sum has already been paid to the petitioner:-

“(i) Ex-gratia	Rs.2,66,503/-	on 10.9.2003
(ii) EL encashment	Rs.9,967/-	on 10.9.2003
(iii) Gratuity	Rs.1,20,358/-	on 16.9.2003
(iv) P.F.	Rs.2,13,071.11/-	on 7.1.2004
(iv) P.F.	Rs.23,510.16/-	on 21.4.2004

Total Rs.6,33,409.27/-”

4. It is further stated in the reply that additional sum of Rs.1,36,099/- towards backlog salary was generated and kept pending for disbursement which was payable to the petitioner only on vacation of the company's quarter as per the rules of the company upon adjustment of the outstanding dues/recovery. The petitioner was requested to vacate the premises which he failed to do, therefore, the said amount is pending disbursement. It is further averred that the petitioner has sub-let the quarter and earning rent and on the other hand, electricity and water charges are borne by the HSCL. The petitioner is not vacating the quarter despite there being an order by the Estate Officers under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. It is

also stated that since after the Division Bench judgment in Writ Appeal No.185/2007, the HSCL has filed SLP (Civil) No.8369-8370/2015 wherein notices were issued. Against the order passed in the petitioner's Writ Petition, the HSCL preferred SLP (Civil) No.22129/2015, wherein the interim order was passed staying the proceeding of the contempt petition, however, the SLP was subsequently dismissed on 17.2.2017.

5. In course of hearing of this petition on 7.4.2017, the respondents were allowed time to submit calculation as to the amount admissible to the petitioner. By filing written submissions on 28.4.2017, the respondents have provided details of amount paid to the petitioner, the amount adjusted towards rent for occupying the official quarter etc. It is also stated that the petitioner of WP No.2/2001, namely, Janwadi Mazdoor Ekta Kendra has filed another writ petition bearing WPS No.6547/2016 claiming ex-gratia, special ex-gratia and gratuity on increased DA, which is pending adjudication before the appropriate Bench. Thus the submission is that additional amount claimed by the petitioner is yet to be decided in the subsequent petition filed by Janwadi Mazdoor Ekta Kendra.
6. It appears, while deciding the petitioner's earlier writ petition, the respondents were directed to decide the representation and there was no adjudication as to the exact amount for which the petitioner is entitled. The HSCL has paid the amount which, according to them, was admissible to the petitioner. If any other amount remains to be paid, the

same has to be adjudicated in favour of the petitioner including the heads on which the amounts are claimed in the subsequent writ petition filed by Janwadi Mazdoor Ekta Kendra viz. WPS No.6547/2016.

7. Considering the material available on record, I do not consider the present to be a case where the respondents have willfully or deliberately violated the order passed by this Court. If any amount has wrongly been adjusted towards rent for illegally occupying the premises or if the petitioner is claiming payment on any other count, it is open for him to move fresh Writ Petition before this Court.
8. For the foregoing, the rule issued against the contemnors is discharged and the Contempt Petition is disposed of with aforesaid liberty to the petitioner.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve