

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO. 221 OF 2016
IN
WRIT PETITION NO. 1540 OF 2008**

Gour Chandra Dutta, Ex-office Supdt.,	]	
Age 57 years, Reside at Central	]	
Raiwaly Qtr. R.B./I/249/16,	]	
Parel, Mumbai-400 012.	]	Petitioner

V/s.

Mr.Sunil Kumar Sood	]	
General Manager,	]	
Central Railway, C.S.T.,	]	
Mumbai – 400 001.	]	Respondent

- Mr.Gour Chandra Dutta, Petitioner in-person present.
- Mr.Suresh Kumar, Advocate for the Respondent.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 06th SEPTEMBER, 2017.

ORAL JUDGMENT (PER : DR. SHALINI PHANSALKAR-JOSHI, J.) :-

1] Heard the Petitioner, who is appearing in-person, and
learned counsel for the Respondent.

2] The Petitioner was a Central Railway Employee. Following Disciplinary Enquiry initiated against him by Respondent, Petitioner was penalized with compulsory retirement with 2/3rd (67%) of pensionary benefits. The appeal filed by the Petitioner was dismissed. Against it, Petitioner approached the Central Administrative Tribunal by filing OA No.314 of 2005. It came to be dismissed on 30/01/2008.

3] The Petitioner challenged the said order by filing Writ Petition No.1540 of 2008. It was allowed by this Court on 20/04/2015, thereby setting aside the penalty imposed on the Petitioner and holding the Petitioner entitled to 100% pensionary benefits from the date he has been compulsorily retired. It was further directed that the Petitioner's pension and other benefits including continuity of service should be calculated on the basis as to what he would have been entitled to and received, had he not been compulsory retired. The Respondent was directed to adjust the amount paid by them till the date to the Petitioner as pension and pay the difference. A further direction was also given to the Respondent to pay the interest at the rate of 8% per annum on the differential amount payable to the Petitioner upto the date until the actual

payment was made.

4] In compliance with the said order, the Petitioner was granted three increments for the suspension period and his basic pay was revised from Rs.6,550/- to Rs.7,075/-. His qualifying service was raised from 21 years to 24 years and accordingly, difference of DCRG and Leave Salary amount to Rs.61,724/- + Rs.71,245/- = Rs.1,32,969/- was paid to him by the Respondent. Moreover, in compliance of the order, the interest amounting to Rs.47,275 was also credited to the account of the Petitioner on 17/06/2015.

5] Meanwhile, the Petitioner filed Review Petition No.140 of 2015. It was decided on 26/11/2015, clarifying that the Petitioner will get benefit of continuity of service till 20/04/2015. It was further clarified that no back-wages are payable to the Petitioner.

6] As per the Respondent, in compliance with the said order, the settlement due and pension of the Petitioner was again revised. The Petitioner was accordingly treated as continuing in service till 20/04/2015 and the pension paid to him for the period from

10/07/2003 to 20/04/2015 amounting to Rs.10,00,000/- was adjusted, as per the directions of this Court, in paragraph no.29(3) of the order dated 20/04/2015.

7] The Petitioner preferred another Review Petition No.09 of 2016 on 23/02/2016. It came to be dismissed on the same day, again clarifying that pension paid to the Petitioner from July 2003 to 20/04/2015 may be treated as amount paid in lieu of back-wages.

8] After the receipt of this order dated 23/02/2016, the adjusted amount of Rs.10,00,000/- was released and credited by the Respondent in the account of the Petitioner on 16/03/2016.

9] To this extent about receipt of the amount and compliance of the order, the grievance of the Petitioner stands satisfied.

10] However, the only grievance raised by Petitioner at present is that he should be paid interest at the rate of 8% per annum on the amount of Rs.10,00,000/- also for the period from 20/04/2015 to 16/03/2016, which comes to Rs.75,070/-.

11] However, we do not find any substance in this grievance of the Petitioner. It is pertinent to note that for the first time this Court has vide order dated 23/02/2016 passed in Review Petition No.09 of 2016, gave direction that pension paid to the Petitioner be treated as pension in lieu of back-wages. Admittedly, the said order was complied by the Respondent in three weeks. In this order dated 23/02/2016, there was no direction to the Respondent to pay this adjusted amount of Rs.10,00,000/- with interest at the rate of 8% per annum. In such situation, the Petitioner is no more justified in saying that the order of this Court is not complied with or the Respondent had committed the breach of the said order.

12] The record shows that all the orders passed by this Court have been duly complied with by the Respondent. Hence, this Contempt Petition no more survives. The Contempt Petition stands dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)