

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **M.V.MURALIDARAN**

Cont.P.No.968 of 2016

- 1.S.Balakrishnan
- 2.C.R.Vijyan Nair
- 3.P.Ganesan

... Petitioners

Vs.

- 1.Dr.Hasmuksh Adhia
Secretary to Government,
Ministry of Finance, Department of Revenue,
North Block, New Delhi - 110 001.
- 2.Shri Karnal Singh, I.P.S.,
Director,
Directorate of Enforcement,
6th Floor, Loknayak Bhavan,
Khan Market, New Delhi - 110 003.
- 3.Shri Anil Ramteke
Joint Director (Admn)
Directorate of Enforcement
6th Floor, Loknayak Bhavan,
Khan Market, New Delhi- 110 003.
- 4.Shri Sanjeev Srivastava
Chief Controller of Accounts,
Ministry of Finance,
Department of Economic Affairs,
Internal Audit Wing,
4th Floor, AGCWSM Building,
New Delhi.
- 5.Shri.S.N.A.Shyamalan
Pay and Accounts Office,
Department of Revenue, Church Road,
Central Secretariat Hutments,
New Delhi - 110 001.

6.Shri K.S.V.Prasad I.R.S.,
Joint Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance,
III Floor, 3rd Block, Shastri Bhavan,
26 Haddows Road,
Chennai - 600 006.

... Respondents

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for willful disobedience of the order passed by this Court in W.P.No11535 of 2014 dated 16.10.2014.

For Petitioners : Mr.Akbar Row

For Respondents : Mr.G.Rajagopal
Assistant Solicitor General
Assisted by Mrs.G.Hema

ORDER

This Contempt Petition is filed by the petitioners in the writ petition in W.P.No.11535 of 2014 with a grievance that notwithstanding the order passed by this Court dated 16 October 2014, follow up action has not been taken by the respondents to give them the benefits including refund of the amount recovered from them.

2. During the currency of this contempt petition, the Assistant Director of Enforcement Directorate, passed an order dated 19 January 2017 granting financial upgradation to the petitioners pursuant to the order passed by this Court.

3. The learned counsel for the petitioners on receipt of a copy of the order dated 19 January 2017 and the related Corrigendum dated 20 January 2017 took time to verify as to whether the order has been complied with in its letter and spirit.

4. When the contempt petition was taken up for hearing today, the learned counsel for the petitioners filed an affidavit sworn to by the first petitioner, indicating that the respondents have complied with the order passed by this Court. The only grievance appears to be that the Bank has not made the payment, in spite of passing orders by the Central Pension Accounting Office way back on 28 February 2017.

5. The moot question in this contempt petition is as to whether the respondents have complied with the order passed by this Court.

6. The order dated 16 October 2014 has already been confirmed by the Hon'ble Supreme Court by order dated 31 August 2015. It was only thereafter the respondents have passed the order to give relief to the petitioners. The fact that the Bank has not paid the amount to the petitioners would not be a reason to keep

the contempt petition pending. We are therefore of the view that the contempt petition deserves to be closed.

7. The contempt petition is closed on account of the subsequent events. We give liberty to the petitioners to approach the concerned Bank for early payment.

SD/
JOINT REGISTRAR(OS) I/C

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/07/04/2017

To

1.Dr.Hasmuksh Adhia
Secretary to Government,
Ministry of Finance, Department of Revenue,
North Block, New Delhi - 110 001.

2.Shri Karnal Singh, I.P.S.,
Director,
Directorate of Enforcement,
6th Floor, Loknayak Bhavan,
Khan Market, New Delhi - 110 003.

3.Shri Anil Ramteke
Joint Director (Admn)
Directorate of Enforcement
6th Floor, Loknayak Bhavan,
Khan Market, New Delhi- 110 003.

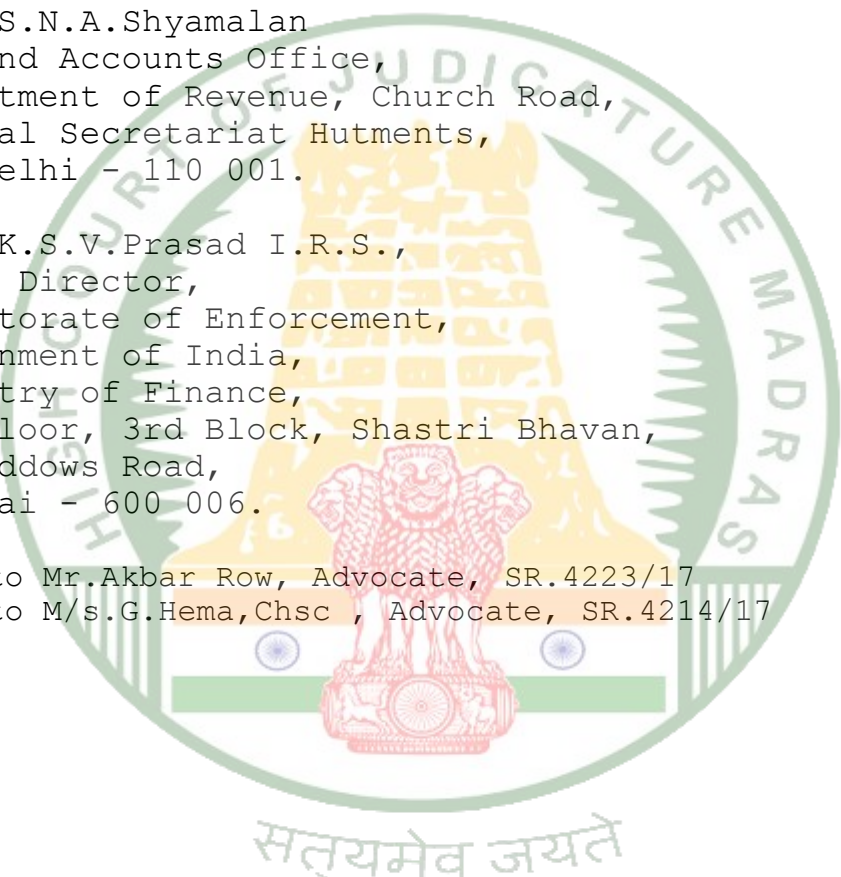
4. Shri Sanjeev Srivastava
Chief Controller of Accounts,
Ministry of Finance,
Department of Economic Affairs,
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4th Floor, AGCWSM Building,
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5. Shri. S. N. A. Shyamalan
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Department of Revenue, Church Road,
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Joint Director,
Directorate of Enforcement,
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Ministry of Finance,
III Floor, 3rd Block, Shastri Bhavan,
26 Haddows Road,
Chennai - 600 006.

One CC to Mr. Akbar Row, Advocate, SR.4223/17

One CC to M/s. G. Hema, Chsc, Advocate, SR.4214/17



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