

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1954 of 2016

Dated:30.06.2017

Between:

M.Seshukumara Chary, S/o. Late M.Narasimha Chary, Aged 57 years, Occu: Business, R/o. H.No.1-442/2-1, Indiranagar, Narsampet Village and Mandal, Warangal District.

..Petitioner

AND

Sri Rajesh Mehrishi, Secretary, Ministry of Home Affairs (Freedom Fighters Division), Union of India, 2nd Floor, NDCC II Building, Sansad Marg, New Delhi – 110 001 and others.

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1954 of 2016

ORDER:

Heard.

2. This Court disposed of the writ petition directing the respondents to take immediate steps for release of the arrears of amount due and payable to the petitioner as early as possible, preferably within a period of six (06) weeks. Court further directed if arrears are not released within the period fixed, petitioner is entitled to claim interest at 12% per annum. Alleging non-compliance, this contempt is filed.

3. Though notice was issued on 17.03.2017, no counter was filed explaining the stand of the respondents. Therefore, this Court admitted the contempt case and ordered for appearance of the respondents. However, Court dispensed with the appearance if the order is complied with.

4. Respondents filed C.A.No.528 of 2017 praying to recall the order, dated 02.06.2017. Along with the application, proceeding, dated 11.12.2014 is enclosed as Annexure R.1. A reading of this proceeding would show that an amount of Rs.6,09,707/- was already credited in the State Bank of India, Narsampet Branch, and the bank was authorised to release the money. However, bank did not release the money immediately as the person died and the

claimants were asked to get succession certificate. On submission of succession certificate, the amounts payable were released to all the beneficiaries except two persons i.e., Smt Mudumba Sampooramma and Mudumba Venkata Chary. It is stated in paragraph 7 of the affidavit that Smt Mudumba Sampooramma did not attend the bank to collect the cheque and as and when she comes to collect the cheque, cheque would be given to her. It is further stated that Mudumba Venkata Chary's details are not tallying with the succession certificate from that of Know Your Customer (KYC) particulars submitted by him and that amount would be paid as and when issue is clarified.

5. Learned counsel for the petitioner sought to contend that as per the letter dated 03.07.2017 addressed to the petitioner by the bank, the amount was received by the bank only on 31.03.2017.

6. It appears from the letter at Annexure R.1 filed along with C.A.No.528 of 2017, the money was already available with the bank and the bank asked the legal representatives of the deceased pensioner to submit the succession certificate from the competent court for payment of pension arrears and the amount was already paid, after the certificate was furnished, to 11 out of 13 claimants.

7. Having regard to these submissions, it cannot be said that there is violation, much less, wilful and deliberate violation of the orders of this Court to initiate proceedings under the Contempt of Courts Act.

8. Contempt Case is, accordingly, closed.

Miscellaneous Petitions, if any, pending in this case shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date:30.06.2017
INL

