

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CONTEMPT CASE No.1168 OF 2017

ORDER:

This contempt case is filed alleging non-implementation of the order of this Court dated 24.11.2016 passed in W.P.No.4159 of 2015.

It is submitted by the learned counsel for the respondents that against the said order, an Appeal was filed and the same is pending. In view of non-granting of suspension of the order, dated 24.11.2016, the order was implemented by reinstating the petitioner into service on 09.02.2017.

This Court by order dated 24.11.2016, set aside the order of termination of the petitioner dated 24.01.2015 and held that the petitioner is deemed to have been continued in service with all pay and allowances attached to his post.

Now a counter affidavit is filed stating that as on the date of termination of the services of the petitioner, the compensation payable to the petitioner is as follows.

Basic Salary	Rs.77,621/- per month
House Rent Allowance	30% of Basic salary per month
Conveyance Reimbursement	15% of Basic salary per month
Leave Travel Allowance	4.17% of Basic salary per month
Superannuation Allowance	8.33% of Basic salary per month
Medical Reimbursement	One month Basic salary subject to a maximum of Rs.10,000/- per annum if not covered under ESIC Act
Performance Incentive	30% of Basic salary per annum paid as per the existing Performance Management System (PMS) of the Company and as revised from time to time.
Provident Fund	12% of Basic salary per month
Gratuity	Paid as per the Payment of Gratuity Act, 1972.

The same is protected after reinstatement also. However, with regard to Performance Incentive, the respondents are not able to re-calculate after reinstatement in view of the absence of the petitioner from service from 24.01.2015 to 08.02.2017. However, based on the previous Performance Incentive, indicated in the above table furnished by the respondents, the petitioner is entitled to the said amount till it is revised at a later point of time.

In view of the protection of pay given to the petitioner, as aforesaid, the contempt case cannot be continued and is accordingly closed. However, it is open to the petitioner to take appropriate proceedings in accordance with law if any grievance still subsists with regard to pay and allowances received by him.

06.10.2017
pln



A.RAMALINGESWARA RAO, J