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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 324/2017 & CM APPL. 15940/2017

MUNNA PRASAD

..... Petitioner

Through: Mr. H.K. Chaturvedi, Advocate.

versus

ARUN KUMAR

..... Respondent

Through: Mr. Saurabh Chadda, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.04.2017

Present contempt petition has been filed alleging wilful disobedience of the judgment dated 25th April, 2016 passed in LPA No. 47/2013 whereby the respondent was directed to appropriately work out the disability benefit so as to ensure what the petitioner would ultimately draw or be entitled to would be equivalent to the minimum wage or as closely proximate as is permissible. The respondent was directed to pass an appropriate order in this regard within four weeks.

Learned counsel for petitioner states that the respondent has subsequently passed an order dated 09th September, 2016 holding that there is no necessity to alter or amend the permanent disability benefit payable to the petitioner.

Learned counsel for respondent states that the Division Bench had directed the Insurance Commissioner to calculate the disability benefit

equivalent to minimum wage or as closely proximate 'as is permissible'. He emphasises that the Insurance Commissioner has calculated the disability benefit in accordance with Rules 57 and 60 of the Employees State Insurance (Central) Rules, 1950. He has also handed over a photocopy of the order dated 16th September, 2016 passed by a Division Bench of this Court in petitioner's LPA No.47/2013 wherein the petitioner was asked as to whether he would like to challenge the Regulations and the rules.

Having heard learned counsel for parties, this Court is of the view that as it is a case where a statutory authority has calculated the disability benefit in accordance with the Employees State Insurance (Central) Rules, 1950, the present contempt petition is not maintainable.

Accordingly, present contempt petition and application are dismissed.

However, the petitioner is given liberty to challenge the order dated 09th September, 2016 in accordance with law.

Petitioner is also given liberty to challenge the legality and validity of the Regulations and Employees State Insurance (Central) Rules, 1950 in accordance with law.

MANMOHAN, J

APRIL 28, 2017

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