

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4979 of 2014

In

Civil Writ Jurisdiction Case No. 705 of 1985

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1.Dinesh Narayan, Son of Late. Bishan Narayan, resident at 112 Gobardhan Garden, J.J. Nagar, P.O. Yaprul, Securabad (T.S.)-500087.

2. Om Narayan, Son of Late Bishan Narayan, resident of Kaladungi Road, Gandhi Ashram Chowk, P.O. Fatehpur, Haldwani, District-Nainital-263139, Uttarakhand.

3.Rajeev Narayan, son of late Bishan Narayan, resident of 602, Dwashree Apartments, 204 Cement Road, Nr. Shankar Nagar Square, Shivaji Nagar, Nagpur-440010.

4. Sanjay Narayan, son of late Bishan Narayan, resident of Flat No.3001 Gaur Gracious, Kanth Road, Moradabad (U.P.)

5.Mrs. Meera Singh, D/o late Bishan Narayan, resident of Kaladungi Road, Gandhi Ashram Chowk, P.O. Fatehpur, Haldwani, District- Nainital-263139, Uttarakhand.

.... Petitioner/s

Versus

1.Sri C. Vishwanathan, The Chairman-cum-Managing Director, Food Corporation of India, Khedya Sadan, 16-20 Barakhambha Lane, New Delhi.

2.Sri. Arun Singh, Manager (Personnel), Food Corporation of India, Khedya Sadan, 16-20 Barakhambha Lane, New Delhi.

3.Sri. Avinash Kumar, the Senior Regional Manager, Food Corporation of India, Arunachal Bhawan Exhibition Road, Patna.

4. Sri. S.K. Jha, the Regional Commissioner, Provident Fund-I, Government of India, Provident Fund Bhawan, R. Block Road No. 6, Patna -1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.K.Sinha, Adv.
Mr. Uday Kr. Singh, Adv.

For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

For the EPFOI : Mr. Prashant Sinh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-11-2018

This contempt application has been preferred after 27 years from the date of passing of the order by the learned writ Court. The direction was to pay the retirement benefits of the petitioners within a period of two months from the date of the order.



Learned counsel for the petitioners submits that the petitioner died few months after the order was passed by the learned writ Court and thereafter, the matter was being pursued by his wife and the legal heirs, however, on record apart from one letter i.e., Annexure 2 of 1987 and another letter of July 23, 1993 there is nothing on the record that the matter was being regularly pursued by the legal heirs of the writ petitioner.

At this stage, learned counsel for the Food Corporation of India has placed before this Court a copy of the statement showing payment of gratuity to the retired/died employees covered under CPF scheme between 01.04.1990 to 23.09.1997 in respect of East Zone. This statement contains the name of the deceased petitioner at Serial No. 13 and according to this statement a sum of Rs.14,465.50/- together with interest of Rs.43,396/- was paid for his 17 and ½ years of service. Mr. Tekriwal, learned counsel for the F.C.I. submits that accept for this document no other document is available in his office and at this stage the Opposite Parties are unable to bring any other material in this regard.

Considering the rival submissions, this Court finds that the petitioners are moving this Court after 27 years from the date of the order of the learned writ Court of which the contempt



has been complained of. The delay in approaching this Court is such that it has made the petitioners disentitled to claim that it is a case of willful disobedience or disregard to the order passed by the learned writ Court.

In the given circumstance, this Court is not persuaded to initiate a contempt proceeding. It is dropped, accordingly. However, liberty is granted to the petitioners to pursue with the authorities of the Corporation to find out the materials available if any with them to satisfy their grievance.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved.

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