

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (C) No. 198 of 2018

Rameshwar Prasad Rathore R/o late Sukhru Ram Rathore, aged about 63 years, occupation service, time keeper at Municipal Corporation, Korba (CG)

---- Petitioner

Versus

Mr. Ranveer Sharma Commissioner, Nagar Palik Nigam, Korba, District Korba (CG)

---- Respondent

For Petitioner	:	Shri Ashok Soni, Advocate
For Respondent	:	Shri B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

19.04.2018

Present contempt petition has been filed seeking for initiating contempt proceeding against the respondent for the alleged willful non-compliance of the directives given by this court on 11.09.2017 in WPS No. 3572/2010.

2. Counsel for the petitioner submits that this Court had directed the respondent to consider releasing all the retiral dues of the petitioner as he stood retired from service w.e.f. 30.06.2017.

3. Counsel for the respondent now has filed a reply showing part compliance of the order in as much as a cheque for an amount of Rs. 1,57,700/- has been brought by the respondent's counsel to the Court as the petitioner had refused to accept the same when the officers of respondent corporation had gone to pay the same to the petitioner.

4. The said cheque has been accepted by the counsel for the petitioner

in the Court. So far as the other retiral dues are concerned, contention of the counsel for the respondent is that the petitioner, under the service condition, was not entitled for gratuity and pension. However, no communication in this regard has been made to the petitioner intimating him about his dis-entitlement and the rules under which he has been held to be not entitled for.

5. Let an appropriate order be issued to the petitioner in this regard by the Commissioner within a period of 20 days from today. Along with the reply, the respondent has also produced two documents dated 28.03.2018 wherein appropriate sanction has been sought from the Deputy Director (Pension), Urban Administration and Development, Raipur for releasing an amount of Rs.3,01,686/- with interest and also another amount of Rs.16,500/-under Family Welfare Scheme with interest has been sought from the Joint Director, Urban Administration and Development Department, Division Bilaspur. It is expected that the payment in this regard will be paid at the earliest.

6. So far as non-granting of pension and gratuity is concerned, since that by itself is a separate cause of action, the petitioner would be at liberty to challenge the same by way of a fresh writ petition. It is made clear that while intimating the petitioner, the respondent Commissioner shall also keep in mind the contention of the petitioner that identically placed person has also been granted gratuity by the respondent Corporation.

7. With the aforesaid observation and directions, the contempt petition stands disposed of and the respondent stands discharged from the contempt proceeding.

**Sd/-
P. Sam Koshy
Judge**