

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cont. No. 727 of 2017

Ajay Prakash Mishra S/o Shri Ravi Shankar Mishra, Aged About
44 Years R/o Village Sevra, Post Kudkai, Via. Pendra, District
Bilaspur, Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. Mr. Mukesh Gupta Area Manager, Life Insurance Corporation,
Division Office Shahdol, At Present Posted At L I C Office, Raipur
Pandri, District Raipur, Chhattisgarh, Chhattisgarh
2. Mr. K.S.Gupta, The Manager, (E&OS) Life Insurance
Corporation, Divisional Office Shahdol, District Shahdol M.P.,
District : Shahdol, Madhya Pradesh
3. Mr. Ashutosh Mishra, The General Manager (Personal Service),
Life Insurance Corporation, Divisional Office, Shahdol, District
Shahdol M.P., Contemnors, District : Shahdol, Madhya Pradesh

---- Respondents

For the Petitioner : Shri Ashok Soni Advocate.

For the Respondent/State : Shri Mukesh Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.04.2018.

1. Heard on Admission.
2. It is submitted by learned counsel for the petitioner that operative part of order dated **23.02.2017**, in **WPS No. 3931/2015**, passed by this Court is as under :-

“ This petition is disposed of with the following direction : -

On application being filed by respondent No. 4. respondent Nos.1 to 3 shall in accordance with the rules of Corporation disburse the amount of terminal benefits, which is Rs. 61,12,509 /- calculated till the date of filing of this petition or any other amount in addition thereto as may be in calculation till date.”

3. It is submitted that in compliance of that order the respondents has not been made in true spirit and respondents have made deduction of Rs. 29,31, 903 /- from the retiral dues, it was totally uncalled for, as all the dues were paid by Late Vijay Prakash Mishra. Hence, respondents have committed Contempt of Court, they may be proceeded against.
4. In reply, counsel for the respondents submits that Late Vijay Prakash Mishra was an employee in LIC, who died in the year 2014 prior to his death he had taken various loans from LIC and all the loans were taken by him were outstanding. The deduction has been made according to rules and regulations of the LIC and the order passed by this Court itself speaks that the disbursement of the amount in favour of the petitioner shall be made in accordance with rules of the corporation, hence, this petition brought by the petitioner is totally misconceived.

5. According to the order dated 23.02.2017 passed by this Court, these words were incorporated that disbursement of the terminal benefit shall be made in accordance with rules of corporation.
6. It is not denied on behalf of the petitioner that Late Vijay Prakash Mishra had obtained loans from the corporation on various occasions and the loans were outstanding and that there is no such evidence to show that the dues which were pending with respect to Late Vijay Prakash Mishra had been satisfied during his lifetime.
7. All dues/loans that are taken from the department/corporation are required to be settled by the said employee, if not settled during his life, the deduction of the same can be made from his retiral benefits is an accepted practice. If the petitioner has the case that deduction has been wrongly made, then, that is the matter of a separate cause of action, and not a matter of contempt of Court. Hence, after due consideration, it is found that the petition is without any substance and no case of Contempt of Court is made out against the respondents, hence, this petition is not fit to be admitted.
8. Accordingly, this petition is dismissed at the motion stage.

Sd /-

(Rajendra Chandra Singh Samant)

Judge