

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 278 of 2020

1. D.P. Tripathi, S/o Late Onkar Prasad Tripathi, Aged About 79 Years, R/o Bangalipara, Gali No. 4, Sarkanda, P.S. Sarkanda, Tahsil and District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. Smt. Niharika Barik Secretary, Health And Family Welfare, Mantralay Mahanadi Bhavan, New Raipur, Police Station Rakhi, District : Raipur, Chhattisgarh
2. Smt. Shikha Rajput Director, Health And Family Welfare, Indrawati Bhavan, New Raipur, Police Station Rakhi, District : Raipur, Chhattisgarh
3. Dr. Smt. Madhulika Singh Thakur Joint Director, Health And Family Welfare, Bilaspur, Seepat Road, District : Bilaspur, Chhattisgarh

----- Respondents

For Applicant	:	Mr. Raj Kumar Gupta, Advocate
For Respondents	:	None

Hon'ble Shri Justice P. Sam Koshy
Order on Board

04.03.2020

1. The present Contempt Petition has been filed alleging non-compliance of the Order dated 23.10.2018 passed in WPS No. 2272 of 2013 and also undertaking given by the respondents in Contempt Case No. 677 of 2019 disposed off 20.11.2019.
2. The contention of the applicant is that the amount of retiral dues including pensionary benefits paid by the respondents to the petitioner is not properly calculated and for which, he is still to get substantial amount from the respondents and the respondents had

assured settling dues at the earliest when the previous contempt case (c) no. 677 of 2019 was disposed off on 20.11.2019.

3. It would be relevant at this juncture to refer to paragraph 3 of the said order passed in the previous contempt proceedings ie., in Contempt Case (C) No. 677 of 2019 disposed off on 20.11.2019.

“However, in case, if the petitioner is still aggrieved that the dues that have been paid to him are not what he would otherwise be entitled for had he been retired normally on attaining the age of superannuation, the right of the petitioner stands reserved for approaching the Court afresh for ventilating his grievances.”

4. In view of the aforesaid observations made by this Court now the only recourse available for the applicant in-respect-of the erroneous fixation and settlement of the retiral dues and pensionary benefits payable to the applicant is concerned, it would be only by way of a fresh writ petition and the calculation part cannot be adjudicated in a contempt proceeding.
5. Reserving the right of the applicant to avail the said remedy, the present Contempt Petition stands rejected.

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