

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 584 of 2019**

- Kanaklata Nashine D/o S.K. Gupta Aged About 82 Years Retired Teacher, R/o Subhash Ward Bhatapara, District Baloda Bazar-Bhatapara (C.G.)

---- Petitioner**Versus**

- Zafar Khan Posted As Chief Municipal Officer, Bhatapara, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Shishir Dixit, Advocate.
For Respondent	:	Mr. Yashwant Thakur, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/02/2020**

1. This contempt petition arises out of order dated 01.09.2017 passed in WPS No.385 of 2017, affirmed by the Division Bench vide order dated 02.02.2018 passed in Writ Appeal No.58 of 2018.
2. Writ petition was filed by the petitioner, an old aged pensioner, aged about 80 years, claiming payment of interest for delayed payment of pensionary benefits. The grievance of the petitioner as set out in the writ petition was that though various pensionary benefits were to be paid to her immediately after retirement, the payment has been delayed. That argument found favour with this Court and direction was given for payment of interest @10% at the delayed payment of pensionary benefits. A cost of Rs.10,000/- was also imposed. The order was challenged in Writ Appeal, the Writ Court did not interfere and the appeal was dismissed. As the entire amount as directed by this Court was not paid, the petitioner filed this Contempt petition.
3. During the pendency of this appeal, during the course of hearing, it transpires and stated by learned counsel for the respondent on their affidavit that various payments due and payable to petitioner have been paid and in fact the order passed by this Court is for payment of interest on pensionary benefits and not relating to retiral benefits, the payments which, according to bona fide understanding of the respondent were payable, were already released.

4. It appears that the use of the word 'pensionary benefits' in order dated 01.09.2017 by this Court has been understood by the respondents that it would have effect towards payment of pension which the petitioner would be getting upon her retirement, though, not relating to retiral benefits which she received upon her retirement. One of the retiral benefits is the amount of provident fund. According to respondent, the difference of pay which was paid to the petitioner under various revised pay scale, is not pensionary benefits. It is submitted that since the order passed by this Court was only for payment of interest @10% in regard to pensionary benefits, only that part has been dealt with by respondent and that action is bona fide and cannot be treated as an act of willful disobedience of the order of the Court.
5. I have heard learned counsel for the parties.
6. The petitioner has filed petition aggrieved by the delayed payment of various dues which she received long after her retirement. The petitioner retired from service in the year 1998 but various amount of scale promotion, 5th Pay-Scale, Choudhari Pay-Scale was paid to her on different dates long after her retirement. Further, leave encashment benefits have to be treated as retiral benefits.
7. The calculation as made by respondent vide Annexure-D shows that various payments dues to the petitioner were paid belatedly. The interest part has also been calculated. However, learned counsel for the respondent is correct in submitting that since the word 'pensionary benefits' was mentioned in the order passed by this Court, the respondent acted bona fide, limiting all benefits only to those arising upon pension and not other dues.
8. It is also submitted that the additional amount of Rs.50,000/- has presently been paid to the petitioner by the respondent authorities and in case, any clarification is issued by this Court, then other amount may also be paid.
9. The petitioner is left to move appropriate application for clarification/modification.
10. After hearing learned counsel for the petitioner, this contempt petition is accordingly closed.
11. It is made clear that this order shall not be treated as authority for any of the

respondent authority to order any kind of recovery from the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi