

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 31 OF 2019

IN

WRIT PETITION NO. 703 OF 2018

MATILDES LOBATO DE FARIA.,

... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY, GOVT. OF GOA AND 5
ORS.,

... Respondents

Mr. Vithal Naik, Advocate for the Petitioner.
Mr. D. Pangam, Advocate General along with Ms. Priyanka
Kamat, Addl. Government Advocate for Respondent No.1.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 18th February, 2020

P.C.:

Heard Mr. Vithal Naik for the Petitioner. Mr. D. Pangam,
Advocate General appears along with Ms. Priyanka Kamat,
Addl. Government Advocate for Respondent No.1.

2. This is a contempt petition complaining about
non-compliance with the directions issued by us in our order
dated 30.01.2019.

3. We have spent considerable time on this matter, since, the
matter concerned the retiral benefits payable to the petitioner

employee. Record indicates that the entire retiral benefit (principal amount) has in fact been paid and to this extent, there is no dispute raised by the petitioner. Record also indicates that on the delayed payments, some interest has also been paid.

4. However, there is a serious dispute as to the precise date from which the interest should have commenced running. There is also a serious dispute as to the rate of interest i.e. where it should be 7% p.a. or 10% p.a. This dispute, is again related to the dispute as to the precise date from which the interest should commence.

5. The learned counsel for both the parties, have relied upon several Government orders and attempted to interpret their provisions in support of their respectful contentions. At one stage, even we attempted to resolve the issue, keeping in mind that this was a matter concerning retiral benefits to the petitioner.

6. However, now that the principal amount as well as some interest has already been paid and taking into consideration the nature of the dispute between the parties which basically related to interpretation of several Government orders, we do not think that such disputes can be sorted out in exercise of our contempt jurisdiction. Suffice to note that in the wake of such interpretational disputes, we cannot say that action of the

respondents or rather inaction of the respondents sounds in the arena of contempt.

7. Therefore, we dispose of this petition but grant liberty to the petitioner of instituting a substantive petition, in case, she is aggrieved by any non-payment/short payment. All contentions of all parties are obviously left open since, we have only decided not to exercise our contempt jurisdiction in the aforesaid circumstances.

8. The contempt petition is disposed of with liberty as aforesaid by leaving the contentions of all parties open.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.