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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 17th June, 2020*+ **CONT.CAS(C) 252/2020 & CM APPLs. 11061/2020, 11062/2020,
11063/2020****RATAN LAL**

..... Petitioner

Through: Ms. Richa Kapoor and Ms. Ayshi
Rajput, Advocates.

versus

DURGA SHANKAR MISHRA & ORS

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Mr.
Rohan Anand and Mr. Waize Ali
Noor, Advocates for UOI.**CORAM:****JUSTICE PRATHIBA M. SINGH****Prathiba M. Singh, J. (Oral)**

1. This hearing has been held through video conferencing.
2. The present contempt petition has been filed by Mr Ratan Lal, a Group 'A' employee, who was working as an Executive Engineer with CPWD. This contempt petition has been filed in view of the fact that the Petitioner's dues in terms of the judgment dated 20th November, 2019 have not been released.
3. Ms. Richa Kapoor, Id. counsel for the Petitioner, submits that vide the said judgment, the Id. Division Bench had upheld the order of the Central Administrative Tribunal, Principal Bench, New Delhi (*hereinafter*, "CAT"), quashing the charge sheet against the Petitioner dated 9th September, 2004 as well as the disciplinary proceedings against him. Id. counsel submits that upon the order of the CAT being upheld by the Id. Division Bench of this Court, all legitimate dues of the Petitioner ought to have been paid to the

Petitioner, which has not been done. Ld. counsel submits that the Petitioner is suffering from a very serious spinal disease which requires surgery and his wife is also suffering from cancer. She therefore submits that the Petitioner has urgent need of the money which is due and payable to him as per the order of the Id. Division Bench.

4. Ms. Kapoor, Id. counsel, further submits that the stand of the Respondents in the counter affidavit, that the Union of India is likely to file an SLP, does not justify the non-payment of the consequential benefits due to the Petitioner as no SLP stands filed even on date, though the judgment was passed in November, 2019. Ld. counsel submits that the second ground taken by the Respondents is that there is another charge sheet which was quashed, the challenge to which is pending before this Court. She has taken this Court through the orders passed in the said matter, where, after the Tribunal has quashed the charge sheet, no stay has been granted by the Id. Division Bench. Thus, according to Id. counsel, even the second charge sheet cannot be relied upon by the Union of India to withhold the benefits which are liable to be paid to the Petitioner.

5. Mr. Kirtiman Singh, Id. CGSC appearing for the Union of India, submits that the amounts are not liable to be paid. He raises three grounds: -

- i. that the appropriate remedy for the Petitioner is to approach the CAT and not by filing a contempt petition in the present case;
- ii. that the Union of India is likely to file an SLP challenging the order dated 20th November, 2019; and
- iii. that there is a second charge sheet dated 21st March 2005, which was issued against the Petitioner which was also quashed by CAT. However, the Union of India has challenged the same before this

Court in W.P.(C) 5287/2006 and 5288/2006 which is still pending. Thus, while the said challenge is pending, the amounts cannot be released to the Petitioner.

6. Mr. Kirtiman Singh further submits that the Petitioner was compulsorily retired in February, 2010. If he had continued his service, he would have retired in December, 2011. Ld. counsel submits that w.e.f. February, 2010, retirement benefits are being given to the Petitioner. However, he does not question the fact that the emoluments due to the Petitioner would have been different if the date of retirement is deemed to be December, 2011. Ld. counsel submits that the Petitioner is also claiming promotional benefits, which he is not entitled to in view of office memorandum dated 14th September, 1992.

7. In contempt jurisdiction, this Court is only concerned with the question as to whether the order of which contempt is alleged has been complied with or not. The order of the Id. Division Bench has clearly upheld the quashing of the charge sheet. Once the quashing of the charge sheet takes place, whatever are the consequences of the said quashing would have to follow and the benefits of the same would have to be given to the Petitioner. The proposed filing of an SLP against the said order would not be sufficient ground not to comply with the same, especially when the limitation period has already lapsed. Further, even in the second charge sheet which has been quashed, the Id. Division Bench has specially refused to stay the order.

8. In view of the overall facts and circumstances, including the medical condition of the Petitioner and his wife, all the consequential benefits which the Petitioner is entitled to in law upon the quashing of the charge sheet shall

now be paid to the Petitioner within a period of eight weeks from today.

9. No further orders are called for. The petition and all pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

JUNE 17, 2020/MR/T

