

**HIGH COURT OF CHHATTISGARH, BILASPUR****Contempt Case (C) No.833 of 2019****Order reserved on: 15-1-2021****Order delivered on: 22-1-2021**

**N.K. Agrawal, S/o Late Bharat Lalji Agrawal, 73 yrs, R/o H.No. 11, Nagar Nigam Colony, Samta Road, Agrasen Chowk, Raipur (C.G.)**

**---- Petitioner****Versus**

- 1. Sammi Abidi (Managing Director) C.G. State Co-operative Marketing Federation Ltd., C-Block, Sector 21, 6<sup>th</sup> Floor, Atal Nagar, Raipur (C.G.)**
- 2. Alpana Ghosh, (Chief Accounts Officer) C.G. State Co-operative Marketing Federation Ltd., C-Block, Sector 21, 6<sup>th</sup> Floor, Atal Nagar, Raipur (C.G.)**
- 3. U.B.S. Rathiya, Secretary, C.G. State Co-operative Marketing Federation Ltd., C-Block, Sector 21, 6<sup>th</sup> Floor, Atal Nagar, Raipur (C.G.)**

**---- Contemners**

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**For Petitioner: Mr. Rahim Ubwani, Advocate.**  
**For Respondents: Mr. Prafull N. Bharat and Mr. Aakash Pandey**  
**Advocates.**  
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**Hon'ble Mr. P.R. Ramachandra Menon, CJ and**  
**Hon'ble Mr. Sanjay K. Agrawal, J.**

**C.A.V. Order****Sanjay K. Agrawal, J.**

- 1. This contempt case has been preferred alleging that the order dated 24-6-2019 passed by this Court in W.A. No.485/2016 has not been complied with and the petitioner has not been granted the amount of gratuity, group insurance and leave encashment by not finalising it.**
- 2. Reply to the contempt case has been filed and it was submitted**

that penalty orders regarding recovery of amount has been imposed against the petitioner, therefore, he is not entitled for the aforesaid claim.

3. Rejoinder to the return has been filed along with additional documents – Annexures C-4 to C-7 to demonstrate that recovery has already been set aside, particularly vide orders – Annexures C-6 & C-7. As such, since recovery has been set aside, there is no reason not to disburse the amount of gratuity, group insurance and leave encashment to the petitioner.
4. At the time of hearing, while concluding his submission, learned counsel for the contemnors has submitted that the contemnors have no knowledge about the orders Annexures C-5, C-6 & C-7 setting aside the recovery, therefore, he would seek instructions and file response. Pursuant to that, on 19-1-2021, response has been filed holding that the contemnors were not aware of Annexures C-5, C-6 & C-7 and order dated 17-3-2020 and therefore they could not consider the issue further. Now, after coming to know that recovery orders have been set aside, the amount of leave encashment ₹ 2,18,718/- has been transferred in the name of the petitioner on 19-1-2021 vide Document-1; similarly, the amount of gratuity and interest ₹ 3,16,272/- has also been transferred on 19-1-2021 vide Document-2; and the amount of group insurance along with interest ₹ 45,066/- has also been transferred vide Document-3 and as such, the order passed by this Court has now been complied with. Therefore, the contempt case be closed.
5. From the aforesaid documents filed by the contemnors, it is quite vivid that the amount of leave encashment to the extent of

₹ 2,18,718/-, the amount of gratuity along with interest to the extent of ₹ 3,16,272/- and the amount of group insurance along with interest to the extent of ₹ 45,066/- has now been paid to the petitioner on 19-1-2021, as such, the order in question has substantially been complied with. The contemnors have assigned the reason for delay in complying the order. In para 6 of the response filed, it has been stated that on account of change of their official address the order setting aside the recovery could not reach to the contemnors, therefore, the impugned order could not be complied with. The reason assigned by the contemnors for delay in complying with the order in question is acceptable and the unconditional apology for delay in complying the order is hereby accepted. As such, the contempt case is closed and rule *nisi* is hereby discharged.

Sd/-  
(P.R. Ramachandra Menon)  
Chief Justice

Sd/-  
(Sanjay K. Agrawal)  
Judge