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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.150 OF 2021  
 IN  
WRIT PETITION NO.4080 OF 2019 (D)

Pradip s/o Shankarrao Kamanwar, Vinkar Colony, Manewada, Ring Road, Nagpur

-vs-

Kishor Raje Nimabalkar, Member Secretary, Maharashtra Jeevan Pradhikaran, Nariman Point,  
 Mumbai and ors.

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 Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. D. Meghe, Advocate for petitioner.

Shri D. M. Kakani, Advocate for respondent No.1.

CORAM : A. S. CHANDURKAR AND G. A. SANAP JJ.

DATE : October 21, 2021

The grievance of the petitioner in this contempt petition is that the directions issued in Writ Petition No.4080/2019 have not been complied with. As per the order passed therein, the petitioner was directed to appear before the respondent No.1 on 18/01/2021 so as to accord him an opportunity of hearing in the matter of deduction of his salary. Further direction was issued to pay the amount of gratuity within a period of two weeks from the date of the order.

According to the learned counsel for the petitioner though he had appeared before the respondent No.1 on 18/01/2021, the hearing was not conducted. No intimation was given to him that hearing would not be held on that day. Such hearing was conducted subsequently on 10/03/2021. It

is further submitted that though the amount of gratuity was to be paid to the petitioner within period of two weeks from the date of the order, the said amount was paid to the petitioner on 01/09/2021. It is thus submitted that under Rule 129 (B) of the Maharashtra Civil Services (Pension) Rules, 1982, the petitioner is entitled to be paid interest for the delayed payment.

On behalf of the respondent No.1 it has been pointed out by filing reply that the hearing could not be conducted on 18/01/2021 in view of the pandemic situation prevailing. Virtual hearing was conducted on 10/03/2021 and it is stated that it is not proposed to reduce the salary of the petitioner. It is further stated that after complying with all requirements, the amount of gratuity has been paid on 01/09/2021.

It is true that on 18/01/2021 the hearing could not be conducted as directed. The reason given for the same appears to be reasonable and we do not find that the failure to conduct hearing on 18/01/2021 was deliberate. It would have been in the fitness of things if the fact that the hearing was not to be conducted on 18/01/2021 was intimated to the petitioner. Be that as it may, in view of the fact that the salary of the petitioner has not been now reduced, nothing further is required to be said in that regard. Insofar as the direction to pay the amount of

gratuity is concerned, the same has been paid on 01/09/2021 though it was to be paid within period of two weeks from 21/12/2020. In absence of any specific direction to pay interest on delayed payment, the petitioner is at liberty to take such steps as are permissible in law to seek interest on the belated payment of gratuity. If such proceedings are filed, the same be considered and adjudicated on its merits.

In view of aforesaid it is not necessary to keep the present proceedings pending. The contempt petition is disposed of.

**JUDGE**

**JUDGE**

Asmita