

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 17654 OF 2022
IN
CONTEMPT PETITION NO. 469 OF 2022**

Ram Sagar Tiwari ...Applicant
vs.
Anil Kumar Lahoti, General Manager,
Central RailwayRespondent

Mr. R. P. Saxena a/w Mr. Anurag R. Saxena- Advocate for the Applicant

CORAM : S. M. MODAK, J.

DATE : 25th AUGUST, 2022

P. C. :-

INTERIM APPLICATION NO. 17654 OF 2022

1. Heard learned Advocate for the Applicant.
2. The Applicant contends that even though earlier Contempt Petition No. 265 of 2017 was disposed of on 12/12/2018, present Contempt Petition is maintainable in view of the fact that the amount of Provident Fund which falls within the category of consequential benefits is not being paid. The recent cause of action for filing this Contempt Petition occurs when there is failure on the part of Central Railway to comply notice dated 26/04/2019. It is filed at Sr. no. 9 of the compilation filed in the Contempt Petition.
3. According to the Applicant there is delay in filing Contempt

Petition. He relied upon direction given by the Hon'ble Supreme Court in suo-moto Writ Petition during the Covid regime.

4. He justified. In view of that Interim Application No. 17654 of 2022 is allowed in terms of prayer clause 'a'. Interim Application is disposed of.

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5. Heard.

6. It is submitted that General Manager is described as Respondent but now the General Manager has changed. The name of the new General Manager is Shri Anilkumar Lahoti is shown as Respondent in Interim Application No. 17654 of 2022 but it has to be corrected in the Contempt Petition.

7. Oral leave is granted. The Petitioner to correct the name of the Respondent within one week.

8. Perused the papers annexed to the Contempt Petition, the Appeal filed by the Union of India against the Judgment of the City Civil Court was dismissed on 25/01/2017. There is direction to clear the dues and material portion find place in para nos. 22 and 23 of the judgment given by this Court.

9. Due to non compliance of those directions, Contempt Petition No. 265 of 2017 was filed. Then General Manager has filed an affidavit of reply. He has stated that the dues of the Petitioner have been paid. In view

of that this Court has disposed of that Contempt Petition. As per the Order dated 12/12/2018 leave was granted to the Petitioner to take steps as permissible in law if there is some difference in calculation.

10. According to the Petitioner, yet the amount of Provident Fund is not paid and for that purpose notice was issued on 26/04/2019.

11. Issue notice to the Respondents in order to ascertain the correct position returnable on 07/10/2022. Additionally private notice is allowed and service affidavit be filed.

12. It is made clear that this Court has not issued the notice as per Contempt Rules framed by this Court. Notice be issue only when the correct name of the General Manager is incorporated by way of amendment.

13. Stand over to 07/10/2022.

[S. M. MODAK, J.]