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C.P.A.N. 209 of 2022
in
WP.CT 103 of 2014

Tushar Kanti Satpathi
Vs.
Dr. Sanjeev Ranjar & Anr.

Mr. S.K. Dutta,
Mr. Barun Chatterjee
... for the petitioner
Mr. Dhiraj Trivedi,
Mr. Praloy Bhattacharyya
... for the alleged contemnors

Learned counsel appearing for the petitioner contends that even in terms of the Rules of the respondent-authorities/alleged contemnors, interest ought to have been paid on the entire amount directed to be paid by this Court, since such order was passed by this court in the month of November 2021 and the payment was started to be made only in the month of November, 2022, that is, about one year after the said order, despite the specific direction in the order to make the payments within two months therefrom. Hence, the petitioner is entitled to interest for the entire period due to belated payment.

Learned counsel places reliance on the supplementary affidavit filed by the petitioner in this context as well as the Rules and the judgment of the Supreme Court and this Court annexed thereto.

Learned counsel appearing for the alleged contemnors submits that there were no deliberate laches on the part of the alleged contemnors in the delay occasioned in commencement of disbursal of the due amount.

It is submitted on behalf of the alleged contemnors that there are internal procedures to be followed by governmental authorities, for which the matter moved inter-department for some time and, as soon as possible, the disbursal of the amount was commenced in the month of November, 2022 and completed within January, 2023.

As such, it is argued that there was no fault on the part of the alleged contemnors in that regard. Moreover, by placing reliance on Rule 68 of the extant Rules, it is argued that the interest on delayed payment of gratuity is only to be paid in the event it was attributable to administrative reasons or lapses.

It is submitted that since the entitlement of the petitioner to get the dues started only on the passing of the order of this Court, it cannot be said that there were any lapses attributable to administrative reasons retrospectively.

Upon hearing learned counsel for the parties, it is evident from the materials on record that the alleged contemnors started disbursal of the amount, directed by this court in November, 2021, only in the month of November, 2022.

Although the direction was specific that the payment ought to have been made within two months from the date of the order, the period of about ten months thereafter taken by the alleged contemnors to start the disbursal is categorically deprecated. It is expected that government officials ought to be more diligent and sensitive, at least in cases where the amounts directed to be paid to ex-employees of the government itself are concerned.

Be that as it may, since certain inevitable circumstances have been cited by the alleged contemnors for the delay occasioned in making payments, we are not inclined to grant interest on the amount payable by the alleged contemnors during the relevant period; more so, since the initial order, of which contempt has been alleged herein, did not envisage any payment of interest for the period after the expiry of two months from the said order. In the absence of any such specific direction in the order itself, it would be rather beyond the jurisdiction of this court, sitting in contempt jurisdiction, to pass such a fresh direction for payment of interest.

However, the argument of the petitioner to the effect that the Rules provide for interest on delayed payment of gratuity, cannot be accepted in view of the settled position of law that such Rules cannot be said to have been applicable even after the passing of the order by this Court, by when the petitioner was no longer in the post and had been superannuated.

The Rules, if at all, as per our order were applicable at best for the period prior to the passing of the order and no retrospective effect can be given to the Rules for the purpose of calculating interest for the subsequent non-payment.

Moreover, even a perusal of the judgment cited by learned counsel for the petitioner does not impress upon this court that interest should be granted in cases where the same was not directed to be paid by the original order, which is under contempt, thereby substantially widening the contempt jurisdiction and modifying the initial order.

In the event the petitioner was aggrieved by the absence of any direction of payment of interest in the initial order, it was open to the petitioner to challenge the said order before a superior forum. When the order has already attained finality, it does not lie in the mouth of the petitioner now to claim subsequent interest for delayed payment by the alleged contemnors.

Accordingly, C.P.A.N. 209 of 2022 is disposed of with the observation that the alleged contemnors have, by January, 2023, cleared all the dues as per the order of this Court, contempt of which was alleged.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Jay Sengupta, J.)