



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 18/2020 & CM APPL. 1149/2020**

RAJEEV SAXENA

..... Petitioner

Through: Mr. Paras Mithal, Adv.

versus

D P GROVER & ORS.

..... Respondents

Through: Mr. Praveen Gautam, Mr. Pawan Shukla and Ms. Akanksha Tyagi, Adv.

Mob: 9868100876

Email: praveena1807@hotmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.04.2024

%

1. The present contempt petition has been filed alleging willful disobedience of the order dated 14th November, 2018 passed by the Division Bench of this Court in *LPA No. 291/2018*. By way of the aforesaid order, directions had been issued to the respondents to release the gratuity amount as withheld by them to the petitioner. Since the gratuity amount was not paid to the petitioner, the present contempt petition came to be filed.

2. During the pendency of the present petition, a counter affidavit has been filed on behalf of the respondents, wherein, it is stated that the case of the petitioner for payment of the gratuity amount was processed on 18th January, 2020 and the said amount of gratuity was released to the petitioner on 14th February, 2020.

3. The relevant portion of the reply filed on behalf of the respondents reads as under:



“xxx xxx xxx

8. *I say that the answering Respondents submits that in order to comply with the orders passed by this Hon'ble Court, settled the entire gratuity amount of the Petitioner totalling to Rs. 10 Lakhs was processed on 18.01.2020 and credited the same in the account of the Petitioner on 14.02.2020. The Petitioner's entire gratuity amount stands settled and hence nothing survives in the captioned Contempt Petition. It is further submitted that even though the Bank has released the gratuity as per the Payment of Gratuity Act 1972 after the SLP filed by the Bank was dismissed, the same was without discounting the fact that Bank may on a later date forfeit the gratuity or any amount thereof, if the loss to the Bank on account of Sh. Rajeev Saxena is quantified and proved in the pending criminal case. True copies of the final settlement of Gratuity amount and the calculation sheet are annexed hereto as Annexure-B (colly).*

xxx xxx xxx”

4. Mr. Paras Mithal, learned counsel appearing for the petitioner confirms the fact that the petitioner has received the gratuity amount on 14th February, 2020. However, he submits that there has been a delay on behalf of the respondents in releasing the requisite amounts to the petitioner.

5. Having heard learned counsels for the parties, this Court is of the view that since the amount of gratuity in terms of the directions passed by the Division Bench of this Court, have already been paid to the petitioner, thus, no contempt can be said to have been committed by the respondents. Though, there has been a delay by the respondents in complying with the directions passed by this Court, however, the fact remains that the said directions have been complied with.

6. The Division Bench of this Court in the case of ***Delhi Rozi Roti Adhikar Abhiyan Vs. Rajesh Ahuja, 2022 SCC OnLine Del 3561*** has categorically held that lack of speed of compliance is not sufficient for the Court to initiate contempt proceedings. The relevant portion of the said judgment, reads as under:



“xxx xxx xxx

16. No doubt, this Court has expressed its dissatisfaction regarding the speed in compliance of aforesaid order of this Court by the respondent, however lack of speed alone is not sufficient for this Court to take action against the respondent on the ground of deliberate and wilful disobedience of the orders of this Court. Though this Court does not appreciate the delay on the part of the respondents in carrying out of the directions of this Court, however, it is not sufficient to hold up the respondents for committing contempt of court within the ambit of Section 2(b) of the Contempt of Courts Act, 1971.

xxx xxx xxx”

(Emphasis Supplied)

7. Accordingly, no further orders are required to be passed in the present proceedings. The present petition is disposed of.

MINI PUSHKARNA, J

APRIL 23, 2024

ak