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

+ **CONT.CAS(C) 873/2024**

KUSUM DEVI

.....Petitioner

Through: Mr. Kumar Utkarsh, Adv.

versus

SH. NARESH KUMAR

.....Respondent

Through: Ms. Avni Singh with Mr. Vaibhav
Sharma, Adv. along with Vinod
Kumar, Jail II.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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06.10.2025

1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers:-

“It is, therefore, most humbly prayed that this Hon’ble Court may be pleased to initiate contempt of court proceedings against the respondent/contemnor for deliberate and intentional disobedience of Judgment/ order dated 10.08.2023 passed by this Hon’ble Court in W.P.(C) 10545 of 2023 titled ‘Kusum Devi vs The Collector/ District Magistrate & Ors’ and after giving opportunity of being heard to the respondent/contemnor, he may be punished in accordance with law.”

3. *Vide* order dated 10.08.2023 in W.P.(C) 10545/2023, following directions were passed:-

"3.0 Learned counsel representing the respondents no. 1 and 3 submits that the claim of the petitioner shall lie before District Magistrate, North. Whereas the petitioner has been approaching District Magistrate, North West and even made District Magistrate,



North West as a party instead of District Magistrate, North.

4.0 Government of NCT of Delhi, the respondent no. 3 (though mentioned as the respondent no. 2) is empowered to direct the concerned District Magistrate to ensure recovery of making payment of gratuity as awarded to the petitioner herein by the controlling authority vide order dated 04.04.2022.

5.0 It is ordered accordingly.

6.0 The petition is disposed of with the directions to the Government of NCT of Delhi/respondent no. 3 (wrongly mentioned as the respondent no. 2) to ensure the payment of the awarded amount of gratuity, to the petitioner."

4. *Vide* order dated 09.04.2025, learned Predecessor Bench of this Court had passed the following directions:-

"1. Counsel for GNCTD states, on instructions, that the process of recovery is being initiated against M/s. Bonne Care Pvt. Ltd for recovery of the gratuity amount awarded by the Controlling Authority by order dated 4th April 2022 under the Payment of Gratuity Act, 1972.

2. Considering that quite some time has elapsed since said order was passed and petitioner has not been able to get the benefit of the same, action be taken positively, by the relevant authorities, within next 4 weeks.

3. In the event compliance is not done prior to the next date, relevant officer of GNCTD shall appear, either physically or through VC, to explain the reason for non-compliance."

5. Status report dated 31.07.2025 authored by Sub Divisional Magistrate, Model Town, Delhi, District North, has been placed on record wherein, it has been stated as under:-

"With reference to the order dated 09/04,/2025 passed by the Hon'ble High Court, Delhi wherein it has been directed that petitioner has not been able to get the benefit of the gratuity amount



awarded by the Controlling Authority by order dated 4%, April, 2022 under the Payment of Gratuity Act, 1972, action be taken positively, by the relevant authorities, within next 4 weeks as per the said order. In the event compliance is not done prior to the next date, relevant officer of GNCTD shall appear, either physically or through VC, to explain the reason for non-compliance.

In this regard, it is submitted that M/s. Bonne Care Pvt. Ltd. has submitted 06 post dated cheques in favour of Smt. Kusum Devi The details of the 06 post dated cheques are mentioned below:-

S. No.	Cheque Nos.	Amount Rs.	Date
1.	000066 (Principal Amount)	75,000/-	23/08/2025
2.	000067 (Principal Amount)	75,000/-	23/09/2025
3.	000068 (Principal Amount)	90,000/-	10/08/2025
4.	000069 (Principal Amount)	90,920/-	30/09/2025
5.	000071 (Interest Amount)	85,000/-	30/10/2025
6.	000072 (Interest Amount)	80,000/-	23/11/2025
TOTAL		Rs. 4,95,920/-	

It is submitted that the total demand of Rs. 3,30,919/- (Rupees Three Lakh Thirty Thousand Nine Hundred Nineteen Only) + Int. @10% w.e.f. 27/11/2020 to November- 2025 recovered i.e. **Rs. 4,95,920/- (Rupees Four Lakh Ninety Five Thousand Nine Hundred and Twenty Only)** as recovery of the gratuity amount which was due from M/s Bonne Care Pvt. Ltd. above mentioned 06 post dated cheques (in original) are of Deputy Labour Commissioner (North-West), Labour deposited in the office Phase-1V, Delhi-110054 for necessary action at Department, Nimri Colony, Ashok Vihar, their end **(copy enclosed for kind perusal).**"

6. Since the gratuity amount has already been deposited by M/s Bonne Care Pvt. Ltd., the present petition stands disposed of.

7. Pending application, if any, also stands disposed of accordingly.

AMIT SHARMA, J

OCTOBER 6, 2025/nk