



\$~33

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

+ **CONT.CAS(C) 1442/2023**

HEERA DEVI

.....Petitioner

Through: Mr. Chirayu Jain, Advocate.

versus

ARUN KUMAR JHA & ANR.

.....Respondents

Through: Mr. Aabhay Dixit, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

11.09.2025

%

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

“a. Hold Contemnor No. 1 in contempt for having deliberately not complied with the judgment and order dated 29.05.2023 in Heera Devi v. Building and other Construction Workers Welfare Board and Anr.WP(C) 12828/2022;

b. Initiate contempt proceedings and punish Contemnor No. 1 by the provisions of the Contempt of Courts Act, 1971 for deliberately and wilfully disobeying the judgment and order dated 29.05.2023 in WP(C) 12828/2022;;

c. Direct the Contemnor No. 1 to process/sanction other benefits that have accrued in favour of the Petitioner including funeral assistance, death benefit and family pension under Rules 277-279 and 283 of the Delhi Building and Other Construction Workers Rules, 2002;

d. Pass any other order or grant any other relief as it may deem fit.”

3. *Vide* judgment dated 29.05.2023 in W.P.(C) 12827/2022 and W.P.(C) 12828/2022, learned Coordinate Bench of this Court passed the following directions:-

“17. Accordingly, bearing in mind the order in *Jai Pal (supra)*, as



extracted above along with the order dated 17th April, 2023 in **LPA 209/2023** titled **Rajo v. Delhi Building and Other Construction Workers Welfare Board & Anr.**, the following directions are issued:

- i) The requisite pension amount shall be released to the Petitioner by 1st July, 2023,
- ii) The Petitioner would also be entitled to simple interest at the rate of 6% with effect from 18th March, 2022.

18. Considering the nature of this case, nominal costs of Rs. 2,000/- are awarded in favour of the Petitioner. If the requisite sanction and release of pension is not undertaken by the Board by 1st July, 2023, 6% interest shall be applicable w.e.f. 20th November, 2020, i.e., 45 days after the order in **Jai Pal (supra)** when the direction to process the applications was first issued.

21. In case any other benefits including death and funeral benefits are due to the Petitioner, the Board to process them, after receiving the required applications.”

4. A compliance affidavit dated 04.12.2024 has been filed on behalf of respondent No. 1, wherein it has been recorded as under:-

“3. In compliance with the said order, the Respondent has duly released the pensionary benefits of the Petitioner ViaUTR No. **MAHB24313023693**. The copy of the Sanction Order is annexed herewith as **Annexure A**.

4. The pensionary benefits granted to the aforementioned Petitioner have been processed in accordance with the judgment of **Dulari Devi vs. Delhi Building and Other Construction Workers Welfare Board & Anr.** It is crucial to clarify that these benefits are specific to the aforementioned Petitioners and should not be interpreted as establishing a precedent or mandating a general change in the pension eligibility criteria to one year of membership. Though the order dated 16.10.2024 of this Hon’ble Court is complied but the Respondent is seeking liberty to take proper legal recourse in case the Dulari Devi Judgement is reversed.”

5. It is submitted that pensionary benefits have since been released to the petitioner.

6. Learned counsel appearing on behalf of the petitioner confirms the



aforesaid, however, it is pointed out that directions contained in paragraph 21 of the judgment dated 29.05.2023 with respect to release of death and funeral benefits have not been complied with.

7. Learned counsel appearing on behalf of the respondent submits that, in case the petitioner has moved appropriate application with regard to the aforesaid, the said application would be processed within a period of 4 weeks under due intimation to the petitioner in accordance with law.

8. In case the application has not been filed, the petitioner is at liberty to file the same and upon filing of the same, the said application shall be processed within a period of 4 weeks.

9. In case of non-compliance, the petitioner will be at liberty to revive the present petition in accordance with law.

10. With the aforesaid directions, the present petition is disposed of.

11. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

SEPTEMBER 11, 2025/sn