

Devendra Prasad Singh Vs. R.P. Ritolia, C.M.D. Ccl and ors.

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SooperKanoon Citation : sooperkanoon.com/523473

Court : Jharkhand

Decided On : Sep-22-2008

Reported in : [2009(1)JCR212(Jhr)]

Judge : Gyan Sudha Misra, C.J.

Appellant : Devendra Prasad Singh

Respondent : R.P. Ritolia, C.M.D. Ccl and ors.

Judgement :

ORDER

Gyan Sudha Misra, C.J.

1. This is a petition for contempt, which has been filed alleging noncompliance of the order dated 14.3.2008, by which the writ petition filed by the petitioner was disposed of, granting liberty to him to file a fresh representation before the Project Officer of the respondent Colliery, stating in details about his claim and grievance along with supporting documents relating to his retiral dues.

2. It appears that the respondents, in spite of the petitioner's representation highlighting the details of his payment-claims, had not disposed of the same and in that process; he has not received the retiral dues although he retired 20 years back.

3. This Court is shockingly surprised as neither the representation of the petitioner was decided, nor any payment towards his retiral dues was made to him. It was, therefore, directed that the respondent-contemnors should be ready with at least a token amount of Rs. 50,000/- towards the retiral dues of the petitioner.

4. Ultimately, counsel for the respondents is now ready with a crossed-cheque of Rs. 6,23,397.93 {Rs. six lacs twenty-three thousand three hundred ninety-seven and ninety-three paise only), which, according to them, are the retiral dues of the petitioner. It is stated that this amount has been paid to the petitioner after considering his representation and after calculation, the aforesaid amount became payable to him.

5. Counsel for the petitioner, however, is still aggrieved and has submitted that certain amounts towards leave encashment and interest for the delayed payment of the retiral dues have not yet been paid.

6. But the counsel for the petitioner has to realise that this contention cannot be appreciated while dealing with contempt petition, as the order, which is sought to be complied, had merely directed to dispose of the representation of the petitioner. To avert interference of this Court, the respondent-contemnors, while disposing the representation of the petitioner, have now paid the retiral dues of the petitioner through a cross-cheque in the Court to his Counsel, which has been accepted by him. If the petitioner is still aggrieved by the fact that certain amounts towards leave encashment and interest for the delayed payment of the retiral dues have not been paid, he is at liberty to move before the appropriate forum claiming the same.

In so far as this contempt petition is concerned, the same is disposed of taking into account the fact that the respondents have now paid the retiral dues of the petitioner, as stated above.