

(2009) 10 JH CK 0025
In the Jharkhand High Court

Ahilya Devi

APPELLANT

Vs

The Central Coalfields Limited and Others

RESPONDENT

Date of Decision : 27-10-2009

Acts Referred:

Citation : (2009) 10 JH CK 0025

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. This contempt proceeding arises out of an order dated 7.8.2006. The petitioner's husband was in employment of respondent-Central Coalfields Limited working as an electrical fitter. He died in harness on 6.11.1991. The petitioner claimed family pension which was refused by the: respondent-Regional Commissioner, Coal Mines Provident Fund vide letter dated 28.10.1996. The petitioner again represented the respondents and claimed family pension. But the family pension was not paid and the petitioner was compelled to file the aforementioned writ petition. This Court vide order 7.8.2006 disposed of the said writ petition with a direction to the respondents to release the arrears of family pension together with interest @ 9 % per annum. When the said order was not complied with, the petitioner filed a Contempt Petition No. 102 of 2007. The said contempt petition was disposed of on 11.7.2007. In the said contempt petition, it was stated that the entire arrears of family pension was paid but the interest was not paid. For better appreciation order dated 11.7.2007 is quoted herein below:

Now, Counsel for the opposite parties submitted that the entire family pension arrears have been paid and only the payment towards interest @ 9%, as ordered by this Court vide order dated 7.8.2006, has not been paid.

Thus, it has to be decided whether Central Coalfields Ltd. or Coal Mines Provident Fund Commissioner is liable to pay the interest.

However, at this juncture, Mr. Ananda Sen, Counsel appearing for the Central.

Coalfields Ltd. would undertake, that they would see that the interest would be paid to the petitioner either by the Central Coalfields Ltd. or through Coal Mines Provident Fund Commissioner, within two months from today.

So, this undertaking is recorded.

The contempt proceeding is accordingly, dropped.

3. In spite of the aforesaid assurance given by the respondents to this Court on 11.7.2007 till date interest amount has not been paid which resulted in filing of the instant contempt petition.

4. Mr. Ananda Sen, learned Counsel appearing for respondent-Central Coalfields Limited submitted that petitioner is entitled to interest either from the Central Coalfields Limited or from the Coal Mines Provident Fund Commissioner but the same is payable by Coal Mines Provident Fund Commissioner :in as much as family pension was lying with him. On the other hand Counsel for the Coal Mines Provident Fund Commissioner submitted that interest is payable by Central Coalfields Limited.

5. This is rarest of rare case where a widow, whose husband died in harness in 1991, has not been paid interest amount instead of repeated direction of this Court. Because of the ill attitude of the respondents, the petitioner-widow has to suffer for the last 18 years.

6. In the aforesaid premises, both the Central Coalfields Limited and the Coal Mines Provident Fund Commissioner is directed to settle their dispute and pay the interest amount within 10 days from today failing which the respondent shall be liable to pay interest at the rate of 22 % per annum from the date when arrears of pension become due and payable to the petitioner.

7. Needless to say that after payment of interest amount by either of the respondents, another respondent shall be entitled to recover the same, if permissible in law.