

(2009) 10 JH CK 0023
In the Jharkhand High Court

Basmatiya Devi

APPELLANT

Vs

R.P. Ritolia, Chairman-cum-Managing Director, C.C.L. and
Others
 Central Coalfields Limited and Others Vs
Basmatiya Devi and Another

RESPONDENT

Date of Decision : 28-10-2009

Acts Referred:

Citation : (2009) 10 JH CK 0023

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties and with their consent this application filed for initiating a proceeding for contempt against the opposite parties as well as the review petition filed by the Central Coalfields Limited are being finally disposed of at this stage itself.

2. The petitioner being daughter of the deceased employee of the C.C.L. filed a writ petition before this Court being W.P.(S) No. 4599 of 2007 for direction to the respondents to pay the C.M.P.F. amount along with interest to the petitioner on the ground that her father died on 16.9.2006.

3. According to her she is the only surviving member in her family and her mother and brothers have already predeceased her father. The petitioner is a widow lady and has no other source of income.

4. The said writ petition was disposed of by order dated 29.11.2007 on consideration of the fact that a cheque amounting to Rs. 5,51,823/-issued by the C.M.P.F. for handing over the same to the petitioner had already been sent to the C.C.L and, therefore, C.C.L was directed to handover the cheque to the petitioner within a period of two weeks from the date of the order. It appears that till date the said cheque has not been handed over to the petitioner for one or the other reason and ultimately the petitioner had to move this Court for initiating a proceeding for contempt against the authorities of the C.C.L.

5. Today when the case was taken up Mr. Sen, learned Counsel appearing for the C.C.L. states that the C.C.L. has also filed a review petition against the said order dated 29.11.2007 mainly on the ground that some disputes with regard to actual claimant arose and therefore the aforesaid cheque could not be handed over to the petitioner.

6. Admittedly the C.C.L. did forward the relevant papers to the C.M.P.F. holding that the claim and the claimant was genuine. In this view of the matter at this stage, the genuineness of the claimant cannot be questioned.

7. Mr. Sen, however, submits that M/s C.C.L. is ready to handover the cheque to the petitioner, if the petitioner gives an undertaking about her genuine claim and that she is the only surviving heir of the deceased employee. To this, the petitioner's Counsel stated that the petitioner has no objection in giving such undertaking.

8. In view of the specific order of this Court, respondents were not authorized to withhold the cheque since 2007, which was sent by the C.M.P.F. for handing over the same to the petitioner. By keeping the said cheque by the C.C.L., the petitioner has unnecessarily been harassed and has been deprived of her legitimate claim.

9. Now it is stated that since more than six months have already expired and, therefore, the cheque, which had been handed over to the C.C.L. by the C.M.P.F. is required to be re-validated since it has expired.

10. In this view of the matter, this contempt petition as well as Civil Review petition are disposed of by directing the C.C.L. to return the cheque to the C.M.P.F. within a period of one week from today for revalidation and the C.M.P.F. in its turn, after re-validating of the same, shall sent the cheque to the C.C.L. within a period of one week thereafter. Thereafter the C.C.L. shall handover the said cheque to the petitioner on the required undertaking within a period of one week from the receipt of the cheque from the C.M.P.F. along with cost of Rs. 2500/- to be paid to the petitioner.

11. These two petitions i.e. Contempt application and Civil Review application are thus disposed of with the aforesaid observations and directions.