

(2011) 03 KL CK 0223

In the High Court Of Kerala

Case No : Con. Case (C) No. 80 of 2011 (S)

N. Narayanan Thampi and Others

APPELLANT

Vs

Shri B. Mohanan

RESPONDENT

Date of Decision : 23-03-2011

Acts Referred:

Citation : (2011) 03 KL CK 0223

Hon'ble Judges : Jasti Chelameswar, C.J;Antony Dominic, J

Bench : Division Bench

Advocate : T.D. Rajalakshmi, for the Appellant; N.N. Sugunapalan, for the Respondent

Final Decision : Dismissed

Judgement

1. Chelameswar, C.J.—This Contempt Case is filed complaining that the judgment of this Court dated 26.11.2008 in WP(C) No. 33296 of 2008 is wilfully disobeyed.

2. Petitioners, 25 in number, were Petitioners in W.P (C) No. 33296 of 2008, in which the abovementioned judgment was rendered by this Court. The dispute in the Writ Petition was regarding the non-disbursement of the amount of gratuity to each of the writ Petitioners, who retired from the service of the Kerala State Electricity Board. The amounts due to the Petitioners herein had been admittedly determined even by the date of disposal of the abovementioned Writ Petition. It is also recorded in the said judgment that by the date of the judgment the amounts due were also deposited before the Regional Joint Labour Commissioner. Further, the learned Judge recorded that the employer-Board undertook that the further amounts due to the Petitioners by way of interest on the principal amount would also be paid within a period of two months thereafter. In that circumstances, the Writ Petition was disposed of directing payment of balance amount due to each of the Petitioners within a period of two months from the date of receipt of a copy of the judgment.

3. in the present Contempt Case it is not a case of the Petitioner that no such

amounts were paid by the employer. Admittedly, the principal amount due towards the gratuity payable to each of them was paid and also some amounts towards interest due on the delayed payment were also paid. The Petitioners, however, dispute the determination of the amount of interest due from the employer and claim that each of the Petitioners is entitled for some more amount than already paid by the employer.

4. In the background of the abovementioned facts, we do not see any reason to proceed with the Contempt Case as there is a dispute regarding the exact amount due to each of the Petitioners and the amounts due to each of the Petitioners under the head "interest" had not been quantified either by the competent authority or in the judgment dated 26.11.2008 in W.P (C) No. 33296 of 2008. Therefore, the Contempt Case is dismissed leaving it open to the Petitioners to approach the competent authority under the Payment of Gratuity Act, 1972 for determination of the amounts due to each of the Petitioners, if any, and for the recovery of the amount, in accordance with law.