
(2000) 12 RAJ CK 0045

In the Rajasthan High Court

Case No : Contempt Petition No. 307 and 313 of 1999

Sabina Bano

APPELLANT

Vs

T. Srinivasan

RESPONDENT

Date of Decision : 15-12-2000

Acts Referred:

Citation : (2001) 2 RLW 1164 : (2001) 3 WLC 238

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : Amin Ali, for the Appellant; R.B. Mathur, for the Respondent

Judgement

Misra, J.

(1) A batch of writ petitions including the writ petitions filed by the petitioners Harish Kumar and Smt. Sabina Bano bearing SBCWP Nos. 2767/96 and SBCWP No. 2768/99 respectively were allowed and disposed of by a common judgment and order passed by a Bench of this Court on 28th August, 1998 wherein it has been categorically stated that "the writ petitions are being allowed and if any amount has been deposited in compliance of the order dated 20.11.1996 and if such deposited amount is found to be excess amount deposited, the same or any part of the amount deposited shall be refunded with interest. The interest rate shall be 12% per annum."

(2). The respondents in utter defiance of this order did not pay the amount of interest to any of the petitioners and hence one of the petitioners Satish Kumar-the petitioner in SBCWP No. 15/97 first of all filed SB Civil Contempt Petition No. 308/96 and in that contempt petition the respondents contended that the petitioner is not entitled to the interest of 12%, but as there is a categorical direction in the main judgment and order, the objections of the contemnors were rejected and a direction was given to the respondents to pay the interest at the rate of 12% per annum on the refunded amount within a period of four weeks from the date of the order passed in the contempt petition i.e. 17.8.2000.

Thereafter, it was expected of the authorises to understand the implication of the judgment & order of 28th August, 1998 which was a common judgment & order allowing all the writ petitions wherein similar directions were issued quoted herein-before, but it is curious that the respondents after paying 12% interest to Satish Kumar since he had moved the contempt petition against the respondents, failed to pay interest to all other petitioners although they also had secured the similar orders in their favour for payment of the amount of interest at the rate of 12% p.a. It goes without saying that if the respondents were aggrieved with the order of payment of interest, they could have gone up in appeal and secured an order of stay if they bonafide thought that interest should not be paid on the refund, but they failed to do so and on their own refused to pay the interest for reasons best known to them. The in-action on the part of the respondents was however ignored in case of Satish Kumar, but it is difficult to swallow, the defiance in case after case inspite of judgment & order of the Court passed in identical cases which was allowed by a common judgment & order without any justification whatsoever, dragging all other petitioners unnecessarily to this Court one after other by compelling them to file contempt petitions separately. The respondents-administration is certainly expected to understand the implication of common judgment & order passed in batch cases which were heard together and were allowed by a common judgment & order or could have sought legal advise from their counsel if they felt incapacitated to understand the ratio of the judgment and its categorical direction but could not reasonably have drawn inference convenient to them which compels this Court to infer that the respondent deliberately sat idle over the matter, so much so that they failed to carry out the judgment & order even though in one case they were made to carry out the order by paying the interest when contempt proceeding was initiated against them. If the respondents infact were aggrieved of the judgment & order passed in favour of the petitioners, they could have preferred an appeal and could have secured an order of stay against that part of the order of the learned Single Judge when thought it proper to award interest. But acquiescing with the judgment & order and thereafter choosing not to comply with the order, clearly amounts to contempt. However, since it is now assured that the payment will be made expeditiously i.e. the amount which has accrued on account of interest to be calculated at the rate of 12% p.a. on the amount refunded as was done in the case of Harish Kumar and Smt. Sabina Bano, the contempt proceeding is dropped but by imposing a cost of Rs. 2,500/- which shall be paid to each of the petitioners-herein apart from the amount of interest, for dragging them to this Court unnecessarily. The Department would be at liberty to realise this amount from any of the Officers who are found responsible for non payment & for brazen defiance of the order of this Court.

(3). All the contempt petitions stand disposed of in terms of the aforesaid direction.