

(2013) 07 MP CK 0089
In the Madhya Pradesh High Court
Case No : CONC. No. 407 of 2009

Vipin Kumar Saxena

APPELLANT

Vs

Smt. Sneh Lata Shrivastava, Education Department and
Others

RESPONDENT

Date of Decision : 10-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0089

Hon'ble Judges : S.K. Gangele, J

Bench : Single Bench

Advocate : H.K. Shukla and Mr. Rajiv Shrivastava, for the Appellant; Vishal Mishra, for the Respondent

Final Decision : Disposed Off

Judgement

S.K. Gangele, J.—Heard.

This Contempt Petition has been filed by the petitioner alleging non-compliance of the order dated 26-02-2009 passed by the Writ Court in Writ Petition No.. The learned writ Court disposed of the aforesaid writ petition with the following directions:-

For the reasons, discussed hereinabove, in my considered opinion the petitioner (husband of the deceased employee) has failed to make out any case for interference in the matter. However, the petitioner is certainly entitled for all terminal dues of his wife late Smt. Vimla Saxena and therefore, the respondents are directed to release all terminal dues including G.P.F. Gratuity, Pension, Leave Encashment etc to the petitioner within a period of 60 days from today.

The respondents could have released the terminal dues of the wife of the petitioner well within time by treating the date of birth as 5/2/1942, as she stood retired w.e.f. 29/2/2004.

It is needless to mentioned here that petitioner shall be entitled for interest on

the aforesaid delayed payment at the rate of 8% per annum except G.P.F. amount. In case of G.P.F. amount petitioner shall be entitled for interest at the statutory rate, as fixed by the State Government from time to time.

It is further directed that in case the terminal dues are not paid by the respondents/State within a period of 60 days from the date of this order, then the rate of interest shall be 12% per annum till realization of the amount.

With the aforesaid, petition stands partly allowed. No order as to costs.

2. Learned counsel for the respondents-contemnors admitted the fact that in compliance of the direction issued by the Court the interest has not been paid to the petitioner, as ordered by the writ Court.

There is no specific pleading that what was the cause of delay in reply or additional reply filed by the respondents. Learned counsel for the respondents failed to produce before the Court the relevant pleading in which the authorities have pleaded that due to unavoidable circumstances, the order could not be complied with within time. When there is no pleading in this regard, the respondents could not be absolved from their duty to pay interest to the petitioner as ordered by the Court. In my opinion, the respondents-authorities did not pay the interest without any sufficient cause. Hence, the contempt petition is disposed of with a direction that the respondents-authorities shall pay interest as ordered by the learned writ Court within a period of three months, failing which this Court shall pass an appropriate order of punishment. No order as to costs.