

(2012) 04 JH CK 0040

Jharkhand High Court

Case No: Contempt Case (C) No. 155 of 2008 with Contempt Case (C) No. 156 of 2008

Association of Retired Employees
of Coal Association, Ranchi, Dr.
Harihar Das

APPELLANT

Vs

Sri Partha Sarathi Bhattacharyya,
Chairman Coal India Ltd. and
Others

RESPONDENT

Date of Decision: April 30, 2012

Citation: (2012) 4 JCR 44

Hon'ble Judges: Prakash Tatia, C.J; Aparesh Kumar Singh, J

Bench: Division Bench

Advocate: P.K. Sinha and Pandey Neeraj Rai, for the Appellant; Ananda Sen, for the Ops
and Mokhtar Khan, for the Union of India, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. Mr. Darshan Kumar Solanki, Under Secretary, Department of Personnel and Public Grievances, Govt. of India is present in the Court. Learned counsel appearing for the Union of India submitted that Mr. Darshan Kumar Solanki, Under Secretary, Govt. of India has been directed to appear in person for which a notice has been issued from this Court. From the record we found that no order was passed by this Court to issue notice for personal appearance of the contemnor. The order dated 17.4.2012 was only that if requisite information is not supplied by the respondents in terms of the previous order, the contemnor shall remain present in Court on 30th April, 2012. Therefore, In case of default in furnishing the information the parties, who are present before the Court, could have been bound to appear in person. Learned counsel for the contemnor submit that he has already furnished the requisite information.

2. In our view, this is a serious matter that for personal appearance a notice has been issued by the Registry of the High Court in such a light manner. The Registrar

General is directed to look into the matter and see that no such mistake is committed in future in the matter of issuance of summons for personal appearance to any body when there is no order of this Court.

3. The personal appearance of Mr. Darshan Kumar Solanki, Under Secretary, Department of Personnel and Public Grievances, Govt. of India is discharged herewith.

4. Heard learned counsel for the parties.

5. It is further clear from the argument of the learned counsel for the parties that there was specific direction of this Court, whereby it has been clearly held that members of the petitioners' association were entitled to any Increase in the Dearness Allowances as might have been recommended by the Wage Board after 1991 and respondents were not justified in withholding such benefits from the members of the petitioners association. Then the respondents were specifically directed to fix up pension payable to the members of the petitioner's association on the basis of the recommendation made by the Wage Board after 1991 and to pay to them revised pension and arrears on such basis. The dispute was with respect to the entitlement of the Dearness Allowances as per the recommendation of the Wage Board and year was not relevant. If it was held that the members of the petitioners' association were entitled to increase in Dearness Allowances as per the Wage Board, then it amounts to holding that the service conditions of the employees of the petitioners' association was governed by the recommendation of the Wage Board and the Contemnor admitted that petitioners-members were paid Dearness Allowances but from the year 1996 and they have been denied the Dearness Allowances for the period 1991-1996, for which there is no explanation and there cannot be any explanation in view of the nature of dispute between the parties, which is clearly understood by both the parties.

6. Prima facie a case of contempt is made out. The gravity also because of the reason that all the members of the petitioners' association are said to be old more than 82-85 years. In view of the above reasons, this Court is of the view that the contemnors should be given one more opportunity to comply with the order of this Court by sitting day and night and pay the difference of amount to the member of the petitioners' association by or before 14th May. 2012.

7. Put up these cases on 14th May, 2012. Let a copy of this order be given to the parties.