

Chhakki Lal Maral vs Sri Yogeshwar Ram Mishra, Special ... on 1 April, 2025

Author: Salil Kumar Rai

Bench: Salil Kumar Rai

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44810

Court No. - 1

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7355 of 2024

Applicant :- Chhakki Lal Maral

Opposite Party :- Sri Yogeshwar Ram Mishra, Special Secretary, Govt. Of U.P., Lucknow. U

Counsel for Applicant :- Pradeep Kumar Dwivedi

Counsel for Opposite Party :- Bal Mukund

Hon'ble Salil Kumar Rai,J.

Heard the counsel for the applicant and Shri Bal Mukund, Advocate, representing the opposite parties. The present contempt application has been filed pleading willful disobedience of the order dated 10.9.2024 passed by this Court in Writ-A No. 11760 of 2024. Compliance affidavit has been filed on behalf of the opposite parties showing that the amount due to the applicant as G.P.F. has already been paid to him. Counsel for the applicant argues that the amount paid to the applicant is not in accordance with the order dated 10.9.2024 passed by this Court inasmuch as 18% interest has not been paid to the applicant on the G.P.F. amount. The contention of the counsel for the applicant is not accepted.

The order dated 10.9.2024 passed by this Court in Writ-A No. 11760 of 2024 is reproduced below :-

"1. Heard learned counsel for the parties.

2. By means of this petition filed under Article 226 of Constitution of India the petitioner has prayed for following relief:

"i) Issue a writ, order or direction in the nature of MANDAMUS commanding the respondent authorities to release the remaining 10% General Provident Fund along with 18% interest in favour of petitioner."

3. Sri Bal Mukund, learned counsel for the respondent no.3 states that 10 per cent of the General Provident Fund amount alongwith interest has already been directed to be paid by the authority vide letter issued on 13.08.2024.

4. In view of the above this petition stands disposed of with direction to the respondent authorities to ensure that the General Provident Fund amount as asked for by the petitioner shall be transmitted into his account within a period of 30 days from today alongwith interest." A reading of the order dated 10.9.2024 shows that the interest amount has not been specified by this Court. The mere phrase 'as asked for by the petitioner' does not imply that the claim of the applicant for 18% interest has also been accepted and certified by this Court. In any case, there is ambiguity in the order, which persuade the Court to hold that any willful disobedience of any order passed by this Court can not be imputed to the opposite parties. The contempt application is dismissed.

Notices are discharged.

Let the file be consigned to record.

Order Date :- 1.4.2025 Anurag/-