

Supreme Court of India

Syed Maqdoom Mohiuddin vs Saudagar Anwar And Anr. on 2 March, 1998

Equivalent citations: JT 1998 (6) SC 639, (1998) 5 SCC 729

Bench: A Anand, S R Babu

ORDER

1. The petitioner has filed this application seeking initiation of contempt proceedings against the respondent for not obeying the "specific and clear directions" given by this Court in its order dated 18-1-1996 in SLP (C) No. 14292 of 1994. The grievance, as projected before us, is that even though the directions were issued to the respondents to determine the pension of the appellant and pay all the retiral benefits to him, the same were not paid till the petitioner moved this Court through this contempt petition. Counter has been filed. It has been explained in the counter, filed by Shri G.S.R.C.V. Prasada Rao, at present working as the Secretary of the department concerned that though at the relevant time he was not the Secretary concerned of the department, but having seen the notice issued to the department from this Court in this contempt matter, he has personally taken steps to ascertain the facts and to redress the grievance of the petitioner. In the contempt petition, Shri Prasada Rao was not impleaded by name as a party respondent. He has chosen to file this affidavit voluntarily because of holding the position of the Secretary in the department. It is not denied that there has been some delay in the settlement of the retiral benefits of the petitioner but it is explained that the delay has occurred because the old records had been weeded out and the non-availability of the necessary information from certain officers because of the frequent transfers of those officers. All the respondents have expressed sincere and genuine regrets and tendered unqualified and unconditional apologies also, while maintaining that the delay has occurred, not on account of any desire on the part of the respondents not to honour the directions of this Court but on account of the circumstances detailed in the affidavits. It is stated through another affidavit, filed by Shri K. Chiranjeevi on behalf of the Government of Andhra Pradesh that all retiral benefits have since been paid to the petitioner and have in fact been received by him. That affidavit is taken on record. This position is not disputed by learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that though all the retiral benefits including death-cum-retirement gratuity have been given to the petitioner, but no interest has been given to him on the delayed payment of gratuity, even though under the Rules, the petitioner is also entitled to 10% interest for the delay in the payment of gratuity.

3. After hearing learned counsel for the parties and going through the record and being satisfied with the affidavit filed by Shri Prasada Rao, we do not wish to proceed with the contempt proceedings any further. We record that all retiral benefits have been paid to the petitioner. In case the petitioner is entitled under the Rules to the statutory interest for the delayed payment of gratuity, as is submitted by his learned counsel, we are assured by Shri Rao, learned Senior Counsel appearing for the respondents, that the same shall be calculated and paid, as per the Rules, within eight weeks to the petitioner. We record that statement.

4. The contempt petition is, accordingly, disposed of. The Rule issued against the respondents is discharged.