## मध्यप्रदेश शासन लोक निर्माण विभाग मंत्रालय,वल्लभ भवन, भोपाल-462004

क्रमांक-8न8/1073/2016/स्था./19

मोपाल, दिनांक 26/02/2016

प्रति,

मध्यप्रदेश शासन, परिवहन विभाग, मंत्रालय, भोपाल।

मध्य प्रवेश शासन

विषय:-अवमानना प्रकरण क्र.-1011/2014 श्री दुर्गाप्रसाद विरुद्ध श्री प्रमोद अग्रवाल, आई.ए.एस., प्रमुख संचिव, परिवहन विभाग।

उपरोक्त विषयांकित अवमानना प्रकरण क्र.-1011/2014 श्री दुर्गाप्रसाद विरुद्ध श्री प्रमोद अग्रवाल, आई.ए.एस., प्रमुख सचिव, का संबंध परिवहन विभाग से होने के कारण प्राप्त प्रकरण मूलतः आपकी ओर आवश्यक कार्यवाही हेतु संलग्न प्रेषित है।

सचिव, लो.नि.वि. द्वारा अनुमोदित।

संलग्नः उपरोक्तानुसार।

अवर सचिव

न्ध्यप्रदेश शासन,लोक निर्माण विभाग

## CONTEMPT PETITION NO. 1011/2014

# IN THE HON'BLE HIGH COURT OF MADHYA PRADESH; BENCH AT INDORE

PETITIONER... Durgaprasad S/o Shri Haricharan Soni

#### **VERSUS**

RESPONDENT ... Shri Pramod Agrawal and other

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		····;	· ·

Indore

Submitted

Dated:

Rachang

(Counsel for the petitioner)



Civil Contempt Petition No. 1011 //9
Arising out of W.P. No. 3649/13 (s)
IN THE HON'BLE HIGH COURT OF M.P. BENCH AT INDORE

Petitioner.....

Durgaprasad S/o Shri Haricharan Soni Age - 59 Years, Occupation - Nil R/o Bajrang Soni Samaj, Guna

Vs.



Contemners.....

- Pramod Agrawal, IAS
  The Managing Director, MPRTC,
  Habibganj, Bhopal.
- Pramod Agrawal, IAS
   Principal Secretary (Transport)
   Govt. of M. P.Vallabh Bhavan,
   Bhopal.
- Piyush Chaturvedi
   Divisional Manager
   M. P. Road Transport Corporation,
   Indore



CONTEMPT PETITION UNDER SECTION 12 AND 2(b)
OF THE CONTEMPT OF COURTS ACT, 1971 READ WITH
ARTICLE 215 OF THE CONSTITUTION OF INDIA

MAY PLEASE YOUR LORDSHIP;

It is submitted on behalf of the humble petitioners as under:-

1. That, vide Order dated 03-04-13 passed by this Hon'ble Court in Writ Petition No 3649/13 (S).preferred by preferred by the present petitioner before this Hon'ble Court, the Contemners were directed to pay the amount of Statutory interest on the petitioner D.A. arrears impounded of 23% (01.7.1995 to 30.06.1996); DA arrears impounded

Rachery



of 34% (01.7.1996 to 31.03.1999) and DA arrears impounded of 17% (01.04.1999 onwards) in the Employees Deposit Funds known as E.D. Fund as per the rate prescribed through Notifications issued by the State Government and as per the method of calculation prescribed for year to year basis in respect of General Provident Fund Accounts and in the manner specified in Clause X (2) (3) and (4) of the Regulations. The Petition was, thus, disposed of in the light of the order passed in the case of Anil Jain (Supra) and also in the light of the order dated 13.02.2008 passed in the case of Girish Joshi and another Vs. Managing Director M.P.S.R.T.C. and another (Copy of the Order dated 03-04-13 is submitted and marked as Annexure P/1. It is submitted that this Hon'ble Court had specifically ordered payment within four months.

2. That, it is another fact that the Contemnors, seemingly unsatisfied with the Order Annexure P/1. even approached the Hon'ble Supreme Court during the interregnum by taking identical orders to the Hon'ble Supreme Court, and the Hon'ble Apex Court too dismissed the S.L.P.s preferred by the Contemners. Copy of the order of the Hon'ble Supreme Court dated 18.12.2008 is submitted as Annexure P/2. Thereafter, Caution Notice dated 12-09-14 was also sent to the Contemners and copy thereof is submitted as Annexure P/3 wherein his name appears at Sr. No. 18. It is needless to emphasis hat the interest is to be computed from the financial year 1995-96 (01.07.1995) until payment is actually made now as the entire amount due will be treated as principal amount according to law. A statement of calculation so made, merits to be provided to the petitioner(s).

Rachery

3. That, from the expatiation supra, it will be luculent that the Contemners even after nine months of dismissal of their lis by the Hon'ble Apex Court vide Annexure P/2 on 18.12.2008 are sitting unconcerned over the matter and are thus committing willful, intentional and deliberate Contempt of orders of this Hon'ble Court ( that of the Hon'ble Supreme Court apart) and have rendered themselves liable to be proceeded against under the provisions of Contempt of Court Act, 1971 and it is prayed accordingly.

Indore Dated Submitted By

Counsel for

Petitioner

#### **PRAYER**

It is, therefore, most humbly prayed that this Contempt Petition be kindly allowed and the cantankerous Contemners be kindly proceeded against under the provisions of Contempt of Court Act for their willfull, deliberate and intentional Contempt of this Hon'ble Court and of the Hon'ble Apex Court as no amount of excuses should now hold them in good stead in view of the peculiar profile of the matter.

Indore

Submitted By

Dated:

Counsel for Petitioner



## CONTEMPT PETITION NO. /2014

# IN THE HON'BLE HIGH COURT OF MADHYA PRADESH; BENCH AT INDORE

PETITIONER...

Durgaprasad S/o Shri Haricharan Soni

#### <u>VERSUS</u>

RESPONDENT ... Shri Pramod Agrawal and other

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Sr. No.	Particulars	Original /Photo copy	Page No.
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2.	Copy of the order of the Hon'ble Supreme Court dated 18.12.2008	Photocopy	
3.	Notice	Photocopy	
ndore	C 1 :	11	

Indore,

Submitted by,

Dated:

Parkare

(Counsel for the petitioner)

#### BEFORE THE HON'BLE HIGH COURT OF M.P. BENCH AT INDORE

Cont. No.

/2014 (S)

PETITIONER.....

Durgaprasad Soni

V/s

RESPONDENT.----

Anirudh Mukerhee & other

#### AFFIDAVIT IN SUPPORT OF CONTEMPT PETITION

- 1. I, Durgaprasad Soni S/o Shri Haricharan Soni, aged-57 Years, Occupation-Nil, Address-Bajrang soni Samaj Guna do hereby solemnly affirm and state on oath as under:
- 2. That I am petitioner in this Cont. petition and well conversant with the facts of the petition.
- 3. That I have filed the Cont. petition. The contents set out in the various pares of the Cont. petition are true to best of my personal knowledge belief nothing untrue has been stated therein and nothing has been concealed.

-D.P. GONT

Deponent

Date:

Place : Indore

.

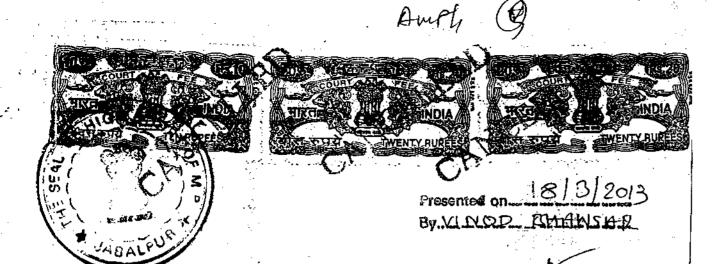
#### VERIFICATION

I, the deponent above named do hereby verify that the contents of the aforesaid affidavit in Para 1 to 3 are true to my personal knowledge.

Sworn and signed on this at

P. P. SON;

Deponent



## BEFORE HON'BLE HIGH COURT OF MADHYA PRADESH

**BENCH AT INDORE** 

rossnæten Assistant.

Petitioner.....

- 1- BABULAL S/O SHRI RAMNARAYAN, AGE 57 YEAR OCCU. NIL R/o RAJMOHALLA INDORE
- 2. DURGAPRASAD SONI S/O SHRI HARICHARAN, AGE 56YEAR R/O BAJRANG SONI SAMAJ GUNA M.P.
- 3. GOPAL SOLIYA S/o SHRI ATMARAM. AGE 49 YEAR R/O VILL-BHARAD DISTT.SHAJAPUR
- 4. BRAJRAJ PARASHAR S/o SHRI MAHARAJ AGE 47 YEAR, R/O 6 SHIVAGI MARG ALIRAJPUR DISTT. ALIRAJPUR
- 5. HIRASINGH YADAV S/o SHRI KEVALRAM. AGE 49 YEAR R/O, 112 B-NAGINNAGAR INDORE INDORE
- SHAKIL MOHAMMAD S/O VALI MOHAMMAD AGE 48 YE.OCUU.-CONDUTOR R/O 14 AZAD NAGAR INDORE

GULABSINGH PARIHAR S/O SHRI YASHVANTRAV AGE 63 R/O JETAPUR DISTT. KHARGON

Respondent.....

- 1. MANAGING DIRECTOR, M. P. ROAD TRANSPOR CORPORATION, Head Office Habibganj, BHOPAL M.P.
- 2. The State of M.P. through Principal Secretary (Transport) Govt. of M.P. Vallabh Bhavan Bhopal
- DIVISIONAL MANAGER, M.P. ROAD TRANSPORT CORPORATION, INDORE [M.P.]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

MAY ET PLEASE YOUR LORDSHIP,



ANNEXURE-C

## HIGH COURT OF MADHYA PRADESH

CASE NO. .....OF 20

ORDER SHEET (CONTINUATION)

DATE & S. NO. OF THE ORDER

## Writ Petition No. 3649 / 2013

3/4/2013

Mr. RP Joshi, learned counsel for the petitioners.

Mr. GS Patwardhan, learned counsel for the respondents appearing on advance notice.

The petitioners before this Court, the ex-employees of MPSRTC, retired on different dates under the Voluntary Retirement Scheme, have filed this present petition claiming interest on the employees deposit fund. The petitioners' contention is that the present matter is squarely covered by a judgment delivered by this Court in case of Amanullah and others v/s The Managing Director, MPRTC, Bhopal and one another, W.P. No. 7461/09 decided on 26.10.09.

This Court in the aforesaid case relying upon the earlier judgments on the subject has passed the following order-

> "2- According to the petitioners, they are entitled for the interest on employees deposit funds as per the rates prescribed through notifications issued by the State Government and as per the method of calculation prescribed from year to year basis in the manner specified in the regulations X (2) (3) and (4) of the Regulations framed by the Respondent/Corporation Employees Deposit Funds Regulations, 1985 in exercise of powers conferred under Section 45 of the Road Transport











#### ANNEXURE-C

## HIGH COURT OF MADHYA PRADESH

ORDER SHEET (CONTINUATION)

DATE & S. NO. OF THE ORDER	ORDER
. √	
	Corporation Act, 1950. According to the petitioners
	the interest on the deposit of employees deposit
	funds under the Employees Deposit Scheme, has
•	not been paid to them."
	para to along
	3- When the matter came up for bearing
	i i i i i i i i i i i i i i i i i i i
	learned counsel for the petitioner submitted that
	this petition may be disposed of in terms of the
	order dated 13.2.08. passed in the case of Anil Jain
	v/s Managing Director, MPSRTC and another [Writ
	Petition No. 7350 of 2007 (S)].
	4- The aforesaid prayer has not been opposed by
•	Shri Prateek Patwardhan, learned counsel for the
•	Respondent No. 1.
to the second	Acceptation 140. 1.
	5 Aggordinaly, I am inclined to diamon of this
	5- Accordingly, I am inclined to dispose of this
	petition in the light of the order passed in the case
	of Anil Jain (Supra) and also in the light of the
	order dated 13.2.08 passed in the case of Girish
	Joshi and another v/s Managing Director, MPSRTC
	and another decided on 13.2.08 directing the
	respondents to examine the petitioners claim about
	the interest on employees deposit funds and pay the
	amount of interest if found to be not paid on the
	petitioners deposits of employees deposit funds as
	per the rate prescribed through notifications issued
	by the State Government and as per the method of
	-calculation prescribed for year to year basis in
	respect of General Provident Fund Accounts and in
THE WAY	the manner specified in clause X (2) (3) and (4) of
	the Regulations. The amount as may be found due
	shall be paid to the petitioners within a period of



#### ANNEXURE-

#### **HIGH COURT OF MAD VA PRADESH**

CASE NO. .....

...OF 20

ORDER SHEET (CONTINGATION)

DATE & S. NO. OF THE ORDER

**ORDER** 

four months from the date of receipt of this order."

Learned counsel appearing for the respondent/MPSRTC has not disputed the order passed by this Court and has fairly stated that the present petition can be disposed of in the light of the order dated 26.10.09 passed in the case of Amanullah and others v/s The Managing Director, MPRTC, Bhopal and one another (Supra).

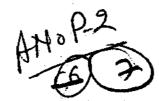
Resultantly, keeping in view the aforesaid judgment dated 26.10.09, the respondents are directed to examine the petitioner's claim about interest and if the same has not been paid to the petitioner on the petitioner's deposit in employees deposit fund as per the rate prescribed through notifications issued by the State Government and as per the method of calculation prescribed for year to year basis in respect of General Provident Fund Accounts and in the manner specified in clause X (2) (3) and (4) of the Regulations, the same shall be paid to the petitioner within a period of four months from the date of receipt of certified copy of this order.

Cc as per rules.

High Court of a autrya Pradesh

(S. C. Sharma) Judge

skm



ITEM NO. 42

COURT NO. 10

SECTION IVA

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS 9

258111

Petition(s) for Special Leave to Appeal (Civil) No(s).19741/2008 (From the judgement and order dated 07/02/2008 in WA No. 636/2007 of The HIGH COURT OF M.P AT INDORE)

MANAGING DIRECTOR, MPRTC & ORS.

Petitioner(s)

#### **VERSUS**

MANGILAL SHARMA Respondent(s)
(With appln(s) for exemption from filing O.T., permission to file
additional documents and prayer for interim relief)

SLP(C) NO. 20155 of 2008
(With appln. for exemption from filing O.T. and permission to file additional documents and with prayer for interim relief)

Date: 18/12/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN HON'BLE MR. JUSTICE AFTAB ALAM

Cortified to be true copy

Mr. Pramit Saxena, Adv. Mr. Shishir Desl.pande, Mr. Amit Yadav, Adv.

Assistant Registrar (Judi )
Adv. 0 High
Supreme Court of India

Ms. Sujata Kurdukar, Adv.

For Respondent(s)

For Patitioner(s)

Mr. B.S. Rajesh Agrajit, Adv. Mr. Umesh Babu Chaurasia, Adv. Mr. Yugal Kishor Prasad, Adv. Mr. J.S. Rai, Adv. Mr. Rakesh Gami, Adv.

Mr. Rohit Nagpal, Adv. Mr. Sunil Kumar Verma, Adv.

UPON hearing counsel the Court made the following O R D E R

We do not think it is a fit case to interfere in exercise of jurisdiction under Article 136 of the Constitution. The special leave petitions are dismissed.

[ Charanjeet Kaur ]
Court Master

[ Vijay Dhawan ] Court Master



# Anand Dubey Advocate

4, Advocate Chamber, M.G. Road Indore Mobile No98264-26268

Notice Regd. A. D.

To,

- 1- Pramod Agrawal

  Managing Director, MPRTC,

  Habibganj, Bhopal
- Piyush Chaturvedi
   D. V.M., MPRTC,
   Indore
- 3. Pramod Agrawal

  Principal Secretary, IAS,

  Govt. OF M. P., Transport Department,

  Vallabh Bhawan, Bhopal

Sir,

It is well known to you that scores of writ petition have been allowed by the Hon'ble High court at all its sencher including benches at indore and Gwalior oirecting you to pay the intrest on 23%, 34% and 17% of D. A. impounded from 01-07-1995, in the manner prescribed through notifications issued by the state Government and as per the method of calculation prescribed from year basic in respect of General Provident Fund Accounts, and in the manner specified in sub-clauses (2) (3) and (4) of clause 10 of Regulation. days



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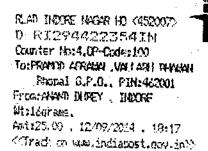
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4, Advocate Chamber M.G. Road Indore Mobile No98254-26268

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It is also another fact that notwithstand the same give to you to comply with the oirections, is long over, you have not complied with the said directions even today. Thus, the petitiones in the writ petitions enlisted infra, would be filing contempt petitions after seven days within union you are requested to comply with the direction given by the Hon,ble High court and affirmed by the Hon,ble Apex Court.

Thanking you

Yours faithfully

Anand dubey Advocate

S. No.	Name of Petitioner	W.P. No.	<u>Decided Date</u>
1.	Shaffe Ullah	2396/10	20-03-10
2.	Anand Kumar	2396/10	20-03-10
3.	Smt. Gjrja Sharma	4952/08	12-08-03
4.	Mohanlal Sharma	9379/10	06-08-10
5.	Natwar Pandya	7782/08	10-05-10
6.	Dilip Pandya	7783/08	10-05 <b>-1</b> 0
7.	Narendra Sharma	7784/08	10-05-10
8.	Suresh Verma	•	15-03-10
9.	Rejendra Triwedi	2239/10	15-03-10
10.	Umashankar		15-03-10
11.	Ramgopal Chunihar	2239/10	15-03-10
12.	Ramesh Rathor	2239/10	15-03-10
13.	Rameshchandra Saini	9486/09	24-12-09
14.	Mohd. Yasin	1401/10	17-02-10
15.	Omprakesh	1401/10	17-02-10
16.	Popsingh Chouhan	5127/10	17-05-10
17.	Moh. Ishak	2614/10	17-03-10
18.	Durgaprasad Soni	3649/13	03-04-13
19.	Jagnnath Sawami	2445/10	20-03-10
20.	Durgaprasad Sharma	11009/10	10-09-10
21.	Ramnarayan Verma	11009/10	10-09-10
22.	Dewansingh	8266/09	20-11-09
23.	Vijaykumar Sharma	4860/10	10-05-10

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परिवहन विभाग मंत्रालय वल्लभ भवन, भोपाल

कमाक एफ 19-09/2016/आउ

भोपाल दिनॉक<sup>15</sup> /03/2016

पति

संभागीय उप परिवहन आयुक्त, इंदौर संभाग,इंदौर (म.प्र.)

बिषयः— अवमानना याचिका क.1011/2014 द्वारा—श्री दुर्गाप्रसाद,भू.पू.सपनि कर्मी बनाम प्रमुख सचिव,म.प्र.शासन,परिवहन विभाग एवं अन्य।

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सिविल प्रकिया संहिता 1908 के आदेश सत्ताइस के नियम 01 तथा 02 में प्रदत्त शक्तियों को प्रयोग में लाते हुये मा.उच्च न्यायालय,इंदौर में दायर बिषयांकित अवमानना प्रकरण में म.प्र.शासन की ओर से पक्ष समर्थन की कार्यवाही एवं अभिवचन पत्रादि पर हस्ताक्षर हेतु आपको संपंक अधिकारी नियुक्त किया जाता है ।

2/— अतः प्रकरण से संबंधित समस्त अभिलेख सहित तत्काल शासकीय अधिवक्ता, मा.उच्च न्यायालय,इंदौर से संपर्क स्थापित कर निर्धारित अविध में जबावदावा आदि प्रस्तुत कराया जाना सुनिश्चित करें।

(योगेन्द्र निबसेषा)

म0प्र0शासन,परिवहन विभाग

ob

पु0क0एफ 19-09/2016/आउ

भोपाल,दि० /5 / 03 / 2016

प्रतिलिपि:-

संभागीय प्रबंधक,विधि, सपनि मुख्यालय, भोपाल की ओर प्रेषित कर निर्देशानुसार प्रकरण में निगम की ओर से अपेक्षित कार्यवाही तत्काल संपादित की जाना सुनिश्चित करें।

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अवर सचिव एउँ जिल्लाम् मार्ग्यासन,परिवहन विभाग

**Page 268** 

OP sir