

ITEM NO.21

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 1512-1513/2017 in C.A. No. 5970/2013

VIJAY KUMAR SHARMA

Petitioner

VERSUS

MR. NETRANAND SETHI

Respondent

Date : 01-12-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Ms. Anita Shenoy, Adv.  
Ms. Rashmi Nandakumar, AOR

For Respondent(s)

Mr. Jagat Arora, Adv.  
Mr. Rajat Arora, Adv.  
Mr. Anuvrat Sharma, AOR

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

Heard Ms. Anita Shenoy, learned counsel for the petitioner and Mr. Jagat Arora, learned counsel for the respondent.

It is not disputed at the Bar that the back wages have been paid. That apart, the petitioner has been superannuated and paid certain retiral dues. However, computation of retiral dues has been made by treating a certain period as *dies non*. On a perusal of the order, it is quite clear that no period could have been treated as *dies non*, for the Court had directed that all retiral benefits should be paid. It is absolutely

clear as crystal. The period for which the petitioner remained out of service has to be treated towards continuity of service for the purpose of pension. The same should be calculated appropriately and paid to the petitioner within six weeks hence.

Needless to say, while computing the pension, the respondent-contemnor shall also take note of the arrears, if any, with regard to retiral dues.

In view of the aforesaid, the contempt petitions are disposed of.

(Deepak Guglani)  
Court Master

(H.S. Parasher)  
Assistant Registrar