

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION(C) NOS. 2167-2168/2018
IN
CONTEMPT PETITION (C) NOS. 680-681/2018
IN
CIVIL APPEAL NOS.747-748/2017

HARIDAS

PETITIONER(S)

VERSUS

DR. ANUP CHANDRA PANDEY & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NOS. 2169-2170/2018
IN
CONTEMPT PETITION (C) NOS.683-684/2018
IN
CIVIL APPEAL NOS.750-751/2017

CONTEMPT PETITION (C) NO.2171/2018
IN
CONTEMPT PETITION (C) NO. 685/2018
IN
CIVIL APPEAL NO.753/2017

CONTEMPT PETITION (C) NOS.2172-2173/2018
IN
CONTEMPT PETITION (C) NOS.686-687/2018
IN
CIVIL APPEAL NOS.754-755/2017

CONTEMPT PETITION (C) NOS. 1182-1183/2019
IN
CIVIL APPEAL NOS.754-755/2017

O R D E R

CONTEMPT PETITION(C) NOS.2167-2168/2018, 2169-2170/2018, 2171/2018 and 2172-2173/2018

We have heard learned counsel for the parties.

Application for substitution of deceased petitioner is allowed subject to all just exceptions after condoning the delay and setting aside abatement in filing the substitution application.

In our order dated 14th September, 2021, it has been recorded that the direction regarding payment of back wages in terms of order of this Court has already been complied with by the concerned Department.

Mr. P.S. Patwalia, learned senior counsel appearing for the contempt petitioner(s), in all fairness, submits that the issue of back wages stands resolved except some calculation issues.

As regards the issue of pensionary benefits, the Department has filed an affidavit taking a position in that regard. Instead of getting into the question whether the petitioner(s) would be entitled for pension as claimed or not would depend on the decision of the appropriate

authority of the concerned Department. That authority is expected to examine the claim of each applicant separately and depending on the compliance of qualifying period and other eligibility criteria, must issue appropriate directions/orders as may be necessary as per law.

If the concerned employee has any grievance against the correctness of that order, must assail the same by way of substantive proceedings.

The appropriate authority must pass a speaking order on case-to-case basis within four months from today.

In the event, the employee is required to pursue proceedings against such order, the same be decided expeditiously as it would pertain to claim of pension amount.

As regards the issue of calculation of back wages amount, if there is any dispute, it would be open to the petitioner(s) to take recourse to appropriate remedy.

For the time being, we are inclined to close the contempt proceedings with liberty given to the petitioner(s) as aforesaid. The petitioner(s) may take recourse to substantive proceedings for

further claims, if any. That be decided expeditiously on its own merits in accordance with law. We order accordingly.

The contempt petition(s) and pending applications are disposed of in the above terms.

CONTEMPT PETITION (C) NOS. 1182-1183/2019

Delay condoned.

The grievance in these petitions is that even the amount towards back-wages has not been paid to the petitioner(s).

We dispose of these petitions with direction to the appropriate authority to consider the grievance of the petitioner(s) within four weeks from today and take appropriate, corrective and remedial measures as may be necessary in that regard within such time.

The decision of the appropriate authority be conveyed to the petitioner(s) within the same time.

If the petitioner(s) have any grievance about the issue of back wages or for that matter claim regarding pension amount, it will be open to the petitioner(s) to pursue such other remedy as may be permissible in law, as is the liberty granted

in the companion cases [Contempt Petition (C) Nos. 2167-2168/2018 and connected cases]. The contempt petitions and pending applications are disposed of in the same terms.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI
NOVEMBER 08, 2021

For Respondent(s) Ms. Sansriti Pathak, Adv
Mr. Manish Kumar, Adv
Mr. Ravish Singh, Adv
Ms. Akansha Singh, Adv
Mr. Krishnanand Pandey, AOR

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

Application for substitution of deceased petitioner is allowed subject to all just exceptions after condoning the delay and setting aside abatement in filing the substitution application.

Delay condoned.

Contempt petitions and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)