

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 404 of 2019

Dr. R.K. Rai

... **Petitioner**

Versus

Heavy Engineering Corporation Ltd. and Ors. ... **Opposite Parties**

(Through V.C)

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Ms. Amrita Vijai, Advocate

For M/s H.E.C. Ltd. : None

Order No.07/ Dated: 10th September, 2021

The order dated 06.08.2021 reads as under:

"By an order dated 02.08.2018, the writ Court has passed the following direction in W.P.(S) No. 5598 of 2008:

"In view of the aforesaid facts, the employer-HEC cannot withhold gratuity and leave encashment payable to the petitioner on the ground of the alleged unauthorized retention of official accommodation by him.

Accordingly, it is ordered that the gratuity and leave encashment payable to the petitioner shall be paid to him with statutory interest from the date it became due and payable, that is, one month after superannuation of the petitioner from service. Payment shall be made within four weeks."

Mr. Piyush Chitresh, the learned counsel for the contemnor-M/s Heavy Engineering Corporation Ltd. states that he has received an e-Mail according to which Rs.8 lakhs and odd has been paid to the petitioner, however, he would file a detail affidavit regarding full compliance of the writ Court's order.

The O.P. No.3 shall file an affidavit giving break-up of the payments made to the petitioner. It is made clear that in terms of the order passed in W.P.(S) No. 5598 of 2008, M/s Heavy Engineering Corporation Ltd. Is required to pay statutory interest.

Post this matter on 10.09.2021 under the same heading to be listed in the supplementary cause-list."

When the matter is called out, no one appears for M/s Heavy Engineering Corporation Limited.

Ms. Amrita Vijai, the learned counsel who appears for the petitioner states that an affidavit as directed by the Court vide order dated 06.08.2021 has not been filed by the Opposite Party-M/s Heavy Engineering Corporation Limited.

Post this matter on 01.10.2021.

The Registry to issue notice on administrative side to Mr. Piyush Chitresh, the learned counsel who had appeared for M/s Heavy Engineering Corporation Limited on the last date of hearing intimating him the next date of hearing.

It is further indicated that if before the next date of hearing an affidavit as directed by the Court vide order dated 06.08.2021 is not placed on record, coercive action shall be taken against the proposed contemnor(s).

Sd/-
(Shree Chandrashekhar,J.)

R.K.

