

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Cvl.) No. 1017 of 2019

Ramesh Chandra Seth, son of Jagneshwar Seth, resident of A/2, Ganesh Vihar, Shiv Path, Bhatiya Bastee, Near Durgabari, PO & PS-Kadma, Town-Jamshedpur, District-East Singhbhum
..... **Petitioner**

Versus

The State of Jharkhand and Another

... **Opposite Parties**

(Through V.C.)

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Ms. Pooja Kumari, Advocate
For LIC of India : Mr. Sachin Kumar, Advocate

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

This contempt case has been filed alleging willful disobedience of the writ Court's order dated 25.08.2018 passed in W.P.(S) No.192 of 2016.

2. In W.P.(S) No.192 of 2016, the following order was passed by this Court:

"11. Pension, and gratuity which also forms part of pension, are statutory rights of an employee. It is not a charity. After the decision in "Deokinandan Prasad vs. The State of Bihar & Ors" reported in 1971 (2) SCC 330 now it is well-settled that pension and post-retiral benefits of an ex-employee cannot be withheld without following due process of law. It is also well-settled that on the ground of pendency of a departmental proceeding pension and gratuity payable to an employee cannot be withheld, unless the rules 6 so provide [refer "State of Jharkhand & Ors vs. Jitendra Kumar Srivastava & Anr." reported in (2013) 12 SCC 210]. Under the Regulations gratuity payable to an employee even in cases of termination cannot be withheld or forfeited.

12. In view of the law on the subject, the employer LIC of India must pay pension and other post-retiral benefits to the petitioner.

13. The writ petition stands disposed of, in the aforesaid terms."

3. Mr. Sachin Kumar, the learned counsel for the contemnor-LIC of India makes a statement in the Court that the writ Court's order has been complied by the proposed contemnor(s) and in this regard an affidavit dated 08.09.2021 has been filed.

4. In view of the affidavit dated 08.09.2021, Contempt Case No.1017 of 2019 is disposed of.

Sd/-
(Shree Chandrashekhar,J.)