

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

COCP No.225 of 2014

Date of decision:16.01.2015

Zile Singh Balhara

... Petitioner

Vs.

S.S. Prasad

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Kamal Mor, Advocate with
Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. D.S. Nalwa, Addl. A.G., Haryana.

....

TEJINDER SINGH DHINDSA, J.

A response to the contempt petition by way of affidavit dated 13.01.2015 of the Additional Chief Secretary, Food and Supply Department, Haryana along with order dated 07.11.2014 at Annexure R-1 has been filed in Court today and the same is taken on record. Copy thereof has been furnished to the counsel for the petitioner.

Suffice it to observe that the petitioner had raised a challenge to the order dated 07.09.2010 passed by the Higher Education Commissioner, Haryana, whereby pension/family pension had been ordered to be reduced. Such writ petition came to be allowed by this Court vide judgment dated 25.07.2012 and the impugned order dated 07.09.2010 was quashed and it was directed that the consequential benefits including the amount which already stood recovered by the banks in pursuance to the passing of the impugned order be released in favour of the petitioners.

Perusal of the order dated 07.11.2014 at Annexure R-1 would make it apparent that the matter has since been reconsidered and decision has been taken by the competent authority as regards grant of benefit of fixation of pension/family pension in the corresponding scale of Rs.37400-67000+9000 AGP w.e.f. 01.01.2006 and made admissible to the Lecturers, who retired before 01.01.2006 and had completed three years service in the selection grade of Rs.12000-18300 prior to their retirement. Such benefit has been granted on actual basis w.e.f. 01.01.2006.

In the light of the order dated 07.11.2014 at Annexure R-1, this Court is of the view that substantial compliance of the judgment passed by the writ Court has been made.

Contempt petition is, accordingly disposed of as having been rendered infructuous.

Rule discharged.

However, it is directed that the amount of recovery that had already been effected from the petitioner in pursuance to the impugned order dated 07.09.2010 would now be released to the petitioner forthwith and the necessary instructions in this regard would be made by the appropriate authority under the State Government and to the bank concerned.

Disposed of.

16.01.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**