

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCN No. 369 of 2014 (O&M)

Date of Decision: 10.02.2015.

Jaswant Singh

--Petitioner

Versus

Sh. Sarvesh Kaushal & others

--Respondents

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

Present:- Mr. Rajesh K. Dadwal, Advocate for the petitioner.

Mr. Inder Pal Goyat, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Jaswant Singh, who retired from the post of Fitter under the Department of Irrigation, State of Punjab filed CWP No.6782 of 2011 impugning the order dated 9.2.2011 in terms of which the recovery of Rs.1,21,093/- had been effected upon withdrawal of a pay scale of Rs.1200-2100. Further directions sought in the writ petition were to refund the amount that already stood recovered.

The Writ Court allowed the writ petition on 20.4.2011 and the order dated 9.2.2011 was quashed to the extent that the recovery directed against the petitioner was held to be bad. The respondent-department was granted liberty to re-fix the salary of the petitioner but the amount which already stood recovered was directed to be refunded within a period of three months. It was further clarified by the Writ Court that if the benefit of pay scale was granted to the petitioner on account of any misrepresentation or fraud, a fresh order after hearing the petitioner could be passed.

The instant contempt petition has been filed asserting willful disobedience and non-compliance of the judgement dated 20.4.2011, passed

by this Court.

Learned State counsel, during the course of hearing today would concede that no fresh order has been passed by the department in pursuance to the liberty granted by the Writ Court. In other words, the financial benefit that had been made over, has not been found to be on account of any misrepresentation or fraud. In spite thereof the respondents-contemners have sat over the matter and in the reply filed to the contempt petition it has been stated that the recovered amount of Rs.1,21,093/- has been refunded to the petitioner vide bank draft no.267479 dated 15.9.2014.

The delay in compliance of the directions issued by this Court is sought to be justified by submitting that the requisite bill had been prepared by the Executive Engineer, Dam Construction and Spillway Construction Division, Ranjeet Sagar Dam, Shahpur Kandi Township and had been submitted to the office of the Financial Adviser and Chief Accounts Officer, Ranjeet Sagar Dam Project for concurrence and further submitted to the Govt. Treasury for passing. However, the same was stated to have been returned with **certain objections** and after clearing all the objections the bill was resubmitted to the Treasury Officer, Pathankot and was passed on 15.9.2014. The delay that has occurred has been termed in the reply to the contempt petition as **lengthy departmental procedure**.

The uncontroverted facts noticed herein above are reflective of the complete apathy of the employer towards a retired employee. The petitioner had superannuated way back in the year 2008. The recovery having been effected in the year 2011, was found to be bad in law by this Court. Accordingly, refund had been directed. The respondents-contemners have sat over the matter and the directions as regards refund of

Rs.1,21,093/- were complied with only after the petitioner had been constrained to approach the Contempt Court and notice having been issued.

This Court is of the considered view that the petitioner deserves to be compensated for such delay.

Accordingly, it is directed that a sum of Rs.10,000/- be made over to the petitioner on account of delay in compliance of the directions of this Court, within a period of eight weeks from today. It would be open for the respondents-contemners to undertake the exercise as regards affixing responsibility on the official concerned for the delay that has occurred in compliance of the directions of this Court as also to recover such amount of Rs.10,000/- from the erring official.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

February 10, 2015.
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