

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

COCF No.801 of 2014

Date of Decision :6.10.2015

Pirithi Singh

....Petitioner

Versus

Sumer Singh Gurjar

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: None for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

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MAHESH GROVER.J.

The petitioner has been forced to enter into third round of litigation. Initially he filed CWP No.23535 of 2013 which was disposed of with a direction to the respondent to consider the grievance as contained in his representation with a further directive that salary of the petitioner be released to him forthwith in the event of it being withheld without any justifiable basis. And in case there was some justification, the same be communicated to the petitioner within a period of four weeks from the date of receipt of certified copy of the order. This order having been passed on 25.10.2013 was not complied with forcing the petitioner to come to this court by way of a contempt petition bearing No.159 of 2014 where the respondent stated that the

needful has been done and the petitioner held entitled to his salary. This court then directed the release of salary along with interest @ 7% per annum from the date when it became due till the date of payment. This order was passed on 28.2.2014, yet the needful was not done within the stipulated period constraining the petitioner to approach this court by way of instant contempt petition. The court had burdened the respondent with costs of Rs.30,000/- to be recovered from the personal pay of the officer until he had some justification to offer for the delay caused in the implementation of the order passed in the earlier contempt petition. This order was passed on 27.3.2014 and had envisaged that in case the order of the contempt court was not complied with within one week from the date of receipt of certified copy of the order dated 27.3.2014, the respondent i.e. Director, State Transport Department, Punjab would remain present in Court. On the next date of hearing i.e. 7.4.2014 reply was filed and it was then stated before this Court that salary is to be released by the State Transport Commissioner, Punjab. One week time was prayed for by the petitioner to implead the State Transport Commissioner as a party-respondent. On 21.11.2014 the matter came up before this Court and State Transport Commissioner, Punjab was impleaded as a party-respondent. Notice was issued to the newly added respondent and Shri Anant Kataria, Asstt.

Advocate General, Punjab accepted notice on his behalf and prays for time to submit a compliance report. The court directed that the needful be done by filing reply within eight weeks beyond which the reply was to be accepted subject to payment of Rs.2,500/- as costs. The matter was directed to be listed on 4.5.2015 and it was stated that the order of this court now stands complied with.

There is no representation on behalf of the petitioner. No counter affidavit has been filed after the response of the State Transport Commissioner indicating compliance.

Consequently, the contempt petition is disposed of as having become satisfied but with a warning to the respondent to be careful in future since the facts suggest unwarranted litigation resulting in wastage of time of the Court.

6.10.2015
dss

(MAHESH GROVER)
JUDGE