IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.630 of 2013 (O&M)
Date of decision: 26.2.2015

Om Parkash

..... Petitioner

Versus

State of Haryana and others

......Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ramesh Goyat, Advocate for the petitioner.
Mr. Gagandeep S. Wasu, Addl. Advocate General, Haryana.

RAJESH BINDAL, J

Learned counsel for the petitioner submitted that the relief prayed in the present petition has now been granted to him. The entire amount of pensionary benefits after counting service rendered by him on contract basis, has been paid.

Considering the fact that the Government had issued instructions on 17.3.2010 contrary to the judgement of this Court in Joginder Singh v. State of Haryana, 1998 (1) SCT 795, on account of which, the relief was declined to the petitioner and he had to file the present petition, on 18.12.2014, this Court passed the following order:

> "Learned counsel for the State pointed out that the instructions were issued on the opinion expressed by Harinder Kumar, IRS, who was working on deputation with the State Government as Advisor Finance (Pension) at that time and with the approval of Ajit Mohan Sharan, Financial Commissioner and Principal Secretary to Government of Haryana, Finance Department. As the instructions run contrary to the judgment of this Court in Joginder Singh vs. State of Haryana, 1998 (1) SCT 795, let notices be issued to the aforesaid two officers to show cause as to why contempt proceedings be not initiated against

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them for issuing instructions, which run contrary to the judgment of this Court and thus creating unnecessary litigation.

Intimation to the aforesaid two officers of the order passed today shall be sent by the Chief Secretary, Haryana."

Affidavits of Harinder Kumar, IRS presently posted as Additional Director of Income Tax, Income Tax Department dated 18.2.2015 and Ajit M Sharan, IAS, presently posted as Secretary, Department of Sports, Ministry of Sports and Youth Affairs, Government of India, New Delhi, dated 19.2.2015 have been filed explaining the circumstances under which, the instructions were issued on 17.3.2010. They are apologetic of their conduct. Notification dated 28.5.2014 has also been annexed with the affidavits amending the Rules with effect from 12.12.1997 to be in consonance with the judgement of this Court in Joginder Singh's case (supra).

It has been submitted by learned counsel for the State that whosoever shall be entitled to the benefits in terms of the amendment carried out in the Rules with retrospective effect, shall be granted the same.

While accepting apology tendered by Harinder Kumar, IRS and Ajit M. Sharan, IAS, the present petition is disposed of, as prayer made by the petitioner has been granted,. However, considering the fact that despite the judgement of this court, avoidable litigation was thrusted upon low paid employee in the Department, he shall be entitled to cost of ₹ 20,000/-, which shall be paid to the petitioner within a period of one month.

Disposed of accordingly.

(RAJESH BINDAL)
JUDGE

26.2.2015

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