

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

COCP no.1065 of 2015 (O&M)

Date of Decision :12.02.2016

Sohan Lal

....Petitioner(s)

Versus

Ramesh Krishan

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.R.K.Malik, Sr. Advocate with

Mr. Bhupinder Singh, Advocate for the petitioner

Mr. Sudeep Mahajan, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner alleges violation of the directions given by the writ

Court which may be extracted herebelow:-

“In these circumstances, we dispose of these writ petitions and direct the respondents to consider the claim of the petitioner(s) afresh in the light of Instructions/Rules applicable at the time of death of the government employee.”

The petitioner was claiming ex-gratia payment/relief in terms of the 2003 Rules as the death of the father of the petitioner took place on 15.3.2003.

This Court had directed the respondents to consider the case in terms of the rules prevalent at the time of death. This judgment was challenged by the respondents

in Hon'ble Supreme Court where SLP was dismissed. The respondent then

granted a consideration to the petitioner and gave him Rs.2.5 lacs by noticing in

Annexure R-1, the order passed to say that dependents of the deceased employee Sh. Dharam Singh, Statistical Assistant, who was senior to the petitioner in the list maintained for the purpose of ex gratia employment was not given any employment due to non-availability of vacant post of Class IV. Similarly another example of the same kind has also been given. The respondents thus state that no post was vacant.

Learned counsel for the petitioner contends that rules would mandate the entry of the name in the list for 3 years and if for the entire 3 years no post is available then the incumbent would be entitled to monetary relief as envisaged in the rules.

After hearing learned counsel for the parties, I am of the view that it is strictly not a case of contempt. The respondents have granted a consideration and also discussed the seniority list to deny the petitioner employment but compensate him in terms of the policy by giving ex gratia grant of Rs.2.5 lacs. In case the petitioner has any grievance he would be at liberty to avail himself of his remedies in law. The respondents who have granted consideration and offered a reasoning cannot be proceeded against under the provisions of Contempt of Courts Act for deliberate/ violation or wilful disobedience. Hence, instant petition is disposed of, leaving the petitioner to his remedies in law.

February 12, 2016
rekha

(Mahesh Grover)
Judge