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Sr. No.205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.994 of 2015
Date of decision:28.11.2016

JC – 68985 Ex-Subedar Major Nirmal Singh
.....Petitioner

versus

R.K.Mathur
.....Respondent

Coram: **Hon'ble Mr.Justice Rakesh Kumar Jain**

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. V.K.Kaushal, Advocate
for the respondent.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the alleged disobedience of the order dated 15.07.2014(Annexure P-1) by which the writ petition filed by the petitioner was allowed and the official respondents were directed to revise the pension payable to the petitioner from 01.01.1986 and further to pay the arrears thereof within a period of four months from the date of receipt of the certified copy of the order.

Counsel for the petitioner has submitted that the respondent has not complied with the order despite the expiry of more than two years. However, counsel appearing on behalf of the respondent has produced the order dated 21.11.2016 by which pension has been sanctioned to the petitioner.

Counsel for the petitioner has submitted that the petitioner should be compensated for the delay on the part of the respondent as it is a matter of pension.

On the other hand, counsel for the respondent has submitted

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that the petitioner may be paid interest on the amount which is being paid after delay.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, I am of the considered opinion that if the respondent was unable to comply with the order dated 15.07.2014 then they should have filed an application for extension of time but in the absence of any such application, they have to be blamed for delay caused in non-compliance of the order. The non-compliance of the direction issued by this Court to comply with the order within four months is itself contumacious but taking a lenient view, the respondent is directed to pay ₹30,000/-as cost to the petitioner. The cost shall be paid by way of demand draft to the petitioner within a period of one month and in case, cost is not paid then the petitioner may file an application for revival of this petition.

On instructions from Capt. Priyambda Sharma, OSI Legal, counsel has submitted that the PPO shall be released to the petitioner within a period of four weeks.

In view of the above, the present petition is hereby disposed of.

[Rakesh Kumar Jain]
Judge

28th November, 2016

Shivani Kaushik

Whether Speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*