

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

CWP No.21113 of 2014 (O&M)

Date of decision : July 22, 2016

Sarabjit Singh

..... Petitioner

Versus

Executive Officer and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Brijesh Nandan, Advocate for
Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. Vinish Singla, Advocate for respondent No.1.

Mr. Shekhar Kumar, Advocate for
Mr. Nitin Kaushal, Advocate for respondent No.2.

Mr. Rajat Bansal, AAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

It comes out that previously the petitioner approached this Court by way of filing CWP No.21534 of 2011, the same was decided vide order dated 01.05.2012 (Annexure P-2), wherein the following order was passed:

“In view of the reply/affidavit dated 01.05.2012 filed by the Municipal Council, Tarn Taran, wherein it has been candidly admitted that due to financial condition of the Municipal Council, some of the amounts could not be deposited, I deem it appropriate to dispose of the writ

petition with a direction to the respondents to deposit the due amount as reflected in Annexure R1 and/or any other due amount in favour of the petitioners, in accordance with Rules as early as possible and preferably within six months from the date of receipt of a certified copy of this order.

*(2). Ordered accordingly. **Dasti.***

As the petitioner was aggrieved by non-release of the retiral benefits, he filed a contempt petition bearing COCP No.1821 of 2013 before this Court, which was decided by this Court vide order dated 29.08.2014 (Annexure P-4). The same is reproduced as under:

“The instant contempt petition has been filed alleging wilful disobedience of the order dated 01.05.2012 passed by this Court in CWP No. 21534 of 2012.

The basic issue was with regard to the non-release of the retiral/pension benefits of the petitioners. In response to the contempt petition, a reply by way of affidavit dated 27.1.2014 has been placed on record. Along with the reply are orders annexed as Annexures R1 to R4 in terms of which, it has been stated that the entire retiral benefits already stand released and paid to the petitioners.

At this stage, learned counsel appearing for the respondent/contemner would make a statement that amount, if any, in excess of the entitlement that has been paid to the petitioners who are retirees, would not be recovered as has been mentioned in the speaking order at Annexures R1 to R4.

In view of the factual matrix noticed here-in-above, no contempt is made out. Accordingly, the instant contempt petition is disposed of.

Rule discharged.”

Now, again the present petition has been filed for release of provident funds on revised pay scale and the House Rent Allowance.

I am of the view that once a writ petition was filed and whatever was claimed in the said petition was granted to the petitioner and in case, HRA was not claimed in the said petition, the same can be claimed by way of filing subsequent writ petition. Similarly is the case regarding the claim of the provident funds. Whatever was claimed in the previous writ petition was granted and whatever was not claimed in the said writ petition, is deemed to have been obtained.

If the petitioner is aggrieved that in the contempt petition, a wrong statement was made by the respondent in the Court that some amount would not be paid, he could always dispute the same before the said court and if he wants that the order dated 01.05.2012 (Annexure P-2) passed in CWP No.21354 of 2011 is still not executed, he could always move appropriate application for execution of the said order. However, a separate petition on the same ground does not lie and accordingly, the same deserves to be dismissed.

As such, the present petition is dismissed.

July 22, 2016

sarita

(KULDIP SINGH)
JUDGE