

CWP No.21368 of 2014 (O&M)
Date of decision : July 22, 2016

..... **Petitioner**

..... Respondents

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 ?

It comes out that previously the petitioner approached this Court by way of filing CWP No.6118 of 2012, the same was decided vide order dated 02.04.2012 (Annexure P-2), wherein the following order was passed:

“(1). The grievance of the petitioner, who retired from the Municipal Council, Tarn Taran from the post of Clerk w.e.f. 31.08.2008 is against the non-payment of revised Dearness Allowance and Interim Relief on the Provident Fund regarding which he is said to have

submitted a representation to the respondents on 02.12.2011 (Annexure P3) but to no effect.

(2). In these circumstances, the writ petition is disposed of with a direction to the respondents to consider and verify the claim of the petitioner and if any amount/benefit is found due, to release the same in his favour within a period of three months from the date of receipt of a certified copy of this order.

*(3). Ordered accordingly. **Dasti.**”*

As the petitioner was aggrieved by non-release of the retiral benefits, he filed a contempt petition bearing COCP No.1820 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 was filed alleging wilful disobedience of the order dated 2.4.2012 passed by this Court in CWP No. 6118 of 2012.

Upon notice having been issued, response by way of affidavit dated 27.01.2014 of the Executive Officer, Municipal Council, Tarn Taran has been placed on record. Appended along with the reply, is a speaking order and a perusal of the same contains the details as regards various retiral benefits in the nature of gratuity, leave encashment, balance of revised scale (year 2006), balance of provident fund etc. having been released. Further categoric stand taken is that the entire retiral benefits stand released to the petitioner and nothing is due towards the Municipal Council.

In the light of such stand taken on behalf of the respondent/contemner, this Court is not inclined to proceed further with the contempt petition and the same is disposed of.

It would, however, be open for the petitioner to

approach the respondent-authorities with regard to any discrepancy in the calculations furnished in the speaking order appended along with the reply.

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 02.04.2012 (Annexure P-2) passed in CWP No.6118 of 2012 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