

**COCP No.2654 of 2016**

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

**COCP No.2654 of 2016  
Date of Order: 11.5.2017**

Raghbir Chand

....Petitioner

Versus

S.K. Sharma and Anr.

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. M.S. Dhammi, Advocate for the petitioner.

Mr. Vikas Suri, Advocate for the respondents.

**JASWANT SINGH, J (ORAL)**

The petitioner, on attaining the age of superannuation, retired w.e.f 30.11.2012 in the rank of Chargeman Grade-II, Bhakra Beas Management Board (for short "the Board"). He filed CWP No.7389 of 2015 seeking the benefit of his previous service rendered on contract basis with the Board towards counting of qualifying service for grant of pensionary benefits.

This Court vide order dated 15.1.2016 directed as under:

*"Accordingly, this petition is allowed. Respondents are directed to count the service rendered by the petitioner on contract basis from 01.07.2000 to 27.09.2000, 01.07.2001 to 27.09.2001 and 01.07.2002 to 27.09.2002 while calculating his qualifying service for pensionary benefits. Needful be done by the respondents within four months from the date of receipt of certified copy of this order."*

Since the needful was not done, hence the present contempt petition.

Upon notice, reply by way of affidavit dated 12.12.2016 of Er. Arvind Kumar Sharma, Superintending Engineer, BBMB, Nangal Township has been filed, paras 3 and 8 of which read as under:

*“That in compliance to the judgment dated 15.1.2016 passed by this Hon'ble High Court in CWP No.7389 of 2015, the petitioner has been issued the Pension Payment Order bearing no.9459 dated 6.12.2016 issued by the Senior Account Officer/Pension Section, BBMB Nangal Township vide the order bearing no.CAO/pension/BBMB/200/11852-54 dated 6.12.2016 and his pension was fixed for Rs.3363/- as basic pension per month. A copy of the said order dated 6.12.2016 is attached herewith and marked as **ANNEXURE R.-1**. The had petitioner submitted his affidavit dated 29.11.2016 for adjusting his Service Gratuity amounting to Rs.1,50,290/-, earlier received by him in lieu of pension for having less than 10 years of service from the respondent BBMB, after his superannuation on 30.11.2012. The said amount towards gratuity will be adjusted against the payment of arrears of his pension in terms of the judgment dated 15.1.2016, as per the undertaking of the petitioner.*

*“That all the observations raised by the Accounts Officer (Pension) BBMB, Nangal were forwarded to the petitioner for compliance with respect to the points relating to the petitioner, which included depositing of Service Gratuity amounting to*

*Rs.1,50,190/- received by him after retirement and the documents related to his wife for family pension vide registered letter bearing No.1275-78/PF dated 17.11.2016. A copy of the said letter is attached herewith and marked as **ANNEXURE R.-***

*4. Considering the gravity of the case, the petitioner was again requested to attend office and submit the required documents vide registered letter bearing No.1291-94/PF dated 22.11.2016. A copy of said letter is attached herewith and marked as **ANNEXURE R.5**. A special messenger was also sent to the residence of the petitioner in that regard and after explaining the situation he got persuaded to submitted an undertaking by way of the affidavit dated 29.11.2016 for adjusting his service gratuity amounting to Rs.1,50,290/- that he had already received earlier towards his pensionary benefits after retirement on 30.11.2012 and prior to passing of the judgment dated 15.1.2016. A copy of the said affidavit dated 29.11.2016 is attached herewith and marked as **ANNEXURE R-6.**"*

At the time of hearing today, learned counsel for the respondent states that after granting the benefits, revised rates of pension, all the arrears of re-fixed retiral benefits have since been released and paid by 15.12.2016 to the petitioner.

In response, learned counsel for the petitioner states that commutation of pension has not been allowed as yet.

On examination of the judgment, it is apparent that the benefit of commutation of benefits being a separate cause was never granted by this Court.

In these circumstances, no further proceedings are

**COC P No.2654 of 2016**

**#4#**

warranted in the contempt petition and the same is dismissed.  
Rule is discharged. However, the petitioner is free to seek his  
remedy in accordance with law regarding his remaining  
grievances.

**May 11, 2017**  
**manoj**

**(JASWANT SINGH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No