

COCP No.2717 of 2015

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

COCP No.2717 of 2015

Date of Order: 13.2.2017

Vipan Kumar Garg and Ors.

....Petitioners

Versus

Jagdeep Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. I.D. Singla, Advocate for the petitioners.

Mr. Abhilaksh Grover, Advocate for the respondent.

JASWANT SINGH, J (ORAL)

Petitioner/Pawan Kumar Garg (since deceased), who was working as Junior Auditor/Accounts Assistant on ad hoc basis with the department of Haryana Dairy Development Cooperative Federation Limited (for short "the respondent") was terminated by the respondent. His legal representatives/sons have alleged wilful disobedience of order dated 13.8.2014 (P.1) vide which this Court allowed the writ petition bearing CWP No.12830 of 1991 while observing as under:

"I would, therefore, apply a different approach only to the case of the petitioner in CWP No.12830 of 1991 and hold that the order of termination made was invalid in the eye of law. The petitioner is reported to have died and if he would have been alive, he would have attained the age of superannuation. For the wrongful termination that is effected, the appropriate remedy would be that he should have been deemed to have been in service and all the monetary benefits will have to be worked till the date of his age of superannuation or death whichever was earlier and 25% of the same

shall be ordered to be paid to the legal representatives as the financial compensation for the wrongful termination. All the monetary benefits accruing subsequent to the death or superannuation whichever was earlier would be counted in full and shall be paid to the representatives without any abatement of claim."

At the time of hearing today, learned counsel for the petitioner points out that the present contempt petition has become infructuous as the necessary relief has since been granted to the petitioner.

In view of aforesaid, present contempt petition is dismissed as infructuous and the rule is discharged.

February 13, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No