

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

COCP No.3644 of 2017.

Date of Decision: December 07, 2017.

Mahinder Singh

....Petitioner

Versus

Sanjay Mitra and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Ashutosh Kaushik, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Notice of motion.

On the asking of court, Mr.Sudhir Nagpal, Advocate accepts
notice on behalf of the respondents.

Petitioner alleges violation of order dated 27.7.2016 passed by
the writ court. Operative part thereof reads as under:-

“Since the petitioner is Class-III employee, the Supreme Court in the case of **State of Punjab and others Vs. Rafiq Masih 2015 (1) SCT 195** held that no recovery shall be made. Even if notice is issued to the petitioner, he is in a position to explain the deduction made from the salary as is evident from Annexures P-5 and P-6. Thus, internal communication dated 22.8.2012 (Annexure P-10) giving the details relating to deduction of Rs.63,883/- is set aside. The respondents are directed to release the withheld GPF amount of Rs.63, 883/- to the petitioner. The respondents are also directed to pay interest @ 9% per annum for the amount of Rs.1,17,887/- for the period from 1.9.2010 to

14.12.2011 and further interest @ 9% per annum on the amount of Rs.63,883/- from 1.9.2010 till the payment of Rs.63,883/- is made.

Writ petition stands allowed.”

Learned counsel for the respondents submits that aforesaid shall be complied with at the earliest in any case not later than two months.

In case, fresh cause of action accrues to the petitioner to invoke the contempt jurisdiction of this court, exemplary costs shall be imposed which would be deducted from the salary of the officer(s) responsible for delay/non compliance.

Disposed of.

(Rajan Gupta)
Judge

December 07, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No