

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

COCN No.387 of 2017

Date of decision: 20.02.2017

Dalbir Singh Mangat

..Petitioner

Versus

Shri Mandeep Singh Sandhu and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S.C. Pathela, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This contempt petition has been filed under Section 12 of the Contempt of Courts Act, 1971 on the ground that the order of cancellation of ACP granted to the petitioner on completion of nine years of service, was withdrawn and the writ petition was rendered infructuous. Subsequently, a notice has been issued to the petitioner.

Learned counsel for the petitioner submits that because of issuance of notice, even the retiral benefits have not been released to the petitioner for which, he is entitled.

As per order passed by this Court on 28.11.2016, it was stated by learned counsel for the respondent-State that the matter is under consideration before the competent authority and subsequently, vide order dated 21.12.2016, the writ petition was rendered infructuous on the basis of statement made by learned State counsel that order of cancellation of ACP benefit granted to the petitioner on completion of nine years of service has

been withdrawn.

Subsequently, a notice has been issued to the petitioner because of which, the petitioner is not being granted retiral benefits.

Nothing has been placed on record to show as to whether reply to the notice has been filed by the petitioner or not. Non-payment of retiral benefits cannot be considered as non-compliance of order because neither any order nor any document has been placed on record to show that the retiral benefits have been stopped only because of issuance of notice.

Hence, there is no cause of action to initiate contempt proceedings against the respondents.

Dismissed.

However, the petitioner is at liberty to give reply to the notice.

20.02.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	√ Yes/No