

COCP No.993 of 2015 (O&M)

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

COCP No.993 of 2015 (O&M)

Date of Order: 17.04.2017

Ashutosh Kumar

....Petitioner

Versus

Avinash Chander Sharma

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjeev Kumar, Advocate for
Mr. Sukh Dev Singh, Advocate for the petitioner.

Mr. Surender Gandhi, Advocate for the
non-applicant/respondent.

JASWANT SINGH, J (ORAL)

The petitioner was appointed as an Accountant with M/s Paliwal Overseas Pvt Ltd. On being transferred, he served in M/s Abhitex International, a partnership firm functioning from the same premises as of M/s Paliwal Overseas Pvt Ltd from 1.3.2004 to 30.9.2007, when his services were terminated after rendering 17 years of continuous service. Since the petitioner was not paid gratuity due to him, he filed CWP No.20551 of 2011, which was disposed of on 15.1.2015 by this Court, holding him entitled to be paid a sum of Rs.25,000/- as compensation by the respondent before the Controlling Authority, Panipat apart from paying the amount of gratuity and interest thereon @ 10% within one month from the date of receipt of certified copy of the order.

The petitioner has preferred this contempt petition for having disregarded and violated the order.

By way of filing application bearing CM No.7977-CII of 2017, the respondent has sought to place on record the details of payment of the gratuity claim of the petitioner as Annexure R.5.

It is submitted that in view of the calculations, excess payment of Rs.15654/- has been made, which is liable to be refunded by the petitioner.

Learned counsel for the respondent submits that the present contempt petition alleging that there is wilful disobedience of order dated 15.1.2015 passed in CWP No.20551 of 2011 whereby the respondents were directed to make the payment of the outstanding gratuity claim, has not only been rendered infructuous on payment of the entire amount due to the petitioner but the respondents are entitled to be refunded the excess payment as per statement **(R.5)**.

In response, learned counsel for the petitioner seriously contests the calculations and the consequent claim for refund.

In view of the aforesaid development, no further action is warranted in the present petition and the same is dismissed as having become infructuous. The rule is discharged. However, the parties shall be at liberty to seek their remedies, as per law, before the appropriate Authority.

April 17, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No