

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

**COCF No.1078 of 2013(O&M)
Date of decision : 25.01.2018**

Onkar Singh

.....Petitioner

Versus

Ms. Ravneet Kaur and others

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Ms. Jyoti Sareen, Advocate for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The grievance of the petitioner in the present petition is that in spite of undertaking given by the respondents, still compliance of order dated 28.10.2010 has not been made. Subsequently, the case was adjourned on various dates even after filing of the contempt petition.

As per stand of the petitioner, all the benefits have not been released, whereas learned counsel for the respondents-State submits that all benefits have been released. It cannot be said on the basis of reply and counter affidavit as to what is entitlement of the petitioner. Even no specific averment has been made in the counter affidavit. The details of the calculation have not been submitted by the petitioner in spite of giving last opportunity on 22.05.2017. Present petition is of the year 2013 and has been adjourned on various dates only because of difference in amount of pensionary benefits. Even on perusal of order passed in the writ petition, it

shows that the writ petition was disposed of with a direction to respondents to release the amount as per undertaking given on behalf of the respondents along with interest calculated @ 9% per annum from 01.06.2004 till payment is made.

Keeping in view the stand taken by both the parties, it would be in the interest of justice that the petitioner may move a detailed representation mentioning all calculations as to what amount has been paid and what amount has not been paid, within a period of one month from today. In case such representation is moved by the petitioner, the respondent-authorities are directed to take action in accordance with law as well as the undertaking given at the time of passing of order dated 28.10.2010. In case the respondent-authorities comes to the conclusion that the petitioner is entitled for the amount mentioned in the representation, the same be released to him within a period of one month thereafter with interest after adjusting the amount paid earlier. If the respondent-authorities comes to the conclusion that petitioner is not entitled for any other amount what has been paid earlier, then a detailed speaking order be passed. The petitioner be given hearing in case it is necessary.

In case the petitioner is still aggrieved in any manner, he is at liberty to avail the appropriate remedy.

Disposed of accordingly.

25.01.2018
sunil yadav

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No