

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

**COCN No. 1153 of 2015 (O&M)
Date of Decision: 18.01.2018**

Vishav Bhushan Khanna

..... Petitioner

Versus

Ashok Kumar Gupta, Secretary to Govt. of Punjab,
Deptt. of Local Govt., Punjab, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for respondent Nos. 1 & 2.

Mr. Nitin Kaushal, Advocate
for respondent No. 3-Municipal Corporation, Ludhiana.

JASWANT SINGH, J. (ORAL)

Petitioner-Vishav Bhushan Khanna has retired from the rank of Assistant Corporation Engineer from the service of Municipal Corporation, Ludhiana, on attaining the age of superannuation on 31.12.2011. As the petitioner was denied the grant of ACP scales and the consequent pay fixation, as also the retiral benefits, he filed a writ petition bearing *CWP No. 26031 of 2014*, which was disposed of, vide order dated 18.12.2014 (**Annexure P-6**) by learned Single Judge of this Court, directing the State of Punjab/Municipal Corporation, Ludhiana, *to pass a speaking order within two months from the date of receipt of the certified copy of the order on the representation pending with the respondents.*

The present contempt petition was filed with the allegations that the aforesaid order dated 18.12.2014 (**P-6**) has not been complied within the stipulated time.

Upon notice, a reply was filed. A speaking order dated 05.06.2015 (**Annexure R-1/1**) stands passed by the Secretary to Government of Punjab, Department of Local Government, Punjab.

During the previous hearing, it was pointed out that the complete retiral benefits have not been released, inasmuch as the amount of almost ₹ 10,00,000/- (Ten lacs only) towards gratuity has been withheld. The reason for withholding the amount is that the petitioner had an entry of a temporary advance loan of ₹ 8,02,041/- (Eight Lacs Two Thousand Forty One only) towards his name, while his tenure between 09.08.2005 to 10.10.2008 with the Municipal Corporation, Jalandhar, before his transfer to the Municipal Corporation, Ludhiana.

This Court to resolve the issue, vide order dated 03.04.2017, had directed the petitioner to approach the Authorities concerned to explain his position.

The petitioner, by way of miscellaneous application bearing **CM No. 18729-CII of 2017**, had sought to place on record the letter submitted before the Commissioner, Municipal Corporation, Ludhiana as **Annexure P-10** and his affidavit as **Annexure P-11**, revealing his stand *qua* the said outstanding loan.

After hearing counsel for the parties, it is apparent that the directions passed by this Court vide order dated 18.12.2014 (**P-6**) stands complied with, *albeit* belatedly. Therefore, this Court is not inclined to proceed any further with the present contempt petitioner, and the same is **dismissed**.

However, a direction is issued to Secretary to Government of

of the outstanding amount and, thereafter, if need, be issue a comprehensive show cause notice, indicating the reasons for liability of the petitioner to explain and pay the outstanding loan. The needful shall be done within two months from today and upon receipt of the reply of the petitioner to the show cause, if any, a proper reasoned/informed decision shall be taken within next one month of the receipt of such reply. If any amount is found due as per the decision, the same shall be disbursed forthwith to the petitioner.

Since the main petition has been decided/dismissed, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.

January 18, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>