

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

COCP No.1430 of 2018 (O&M)

Date of Decision:1.6.2018

Krishan Chand Sharma

...Petitioner

Versus

Vijay Singh Dahiya

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.PPS Tung, Advocate for the petitioner

Ms.Shruti Jain Goyal, AAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

This contempt petition has been filed complaining that family pension was not released to the petitioner, namely, Krishan Chand Sharma on account of death of his wife. The late wife of Krishan Chand Sharma had retired as Lecturer in S.D. College, Ambala which is an aided college. Earlier the petitioner had approached this Court in CWP No.2152 of 2018 in which an order was passed on 1st February, 2018. The operative part of which reads as under:-

“3.Without expressing any opinion on the merits of the case, the instant petition is disposed of with direction to respondent no.2- Director, Higher Education, Shiksha Sadan, 1-B, Sector 5, Panchkula, Haryana to look into the grievances unfolded by petitioner in legal notice dated 10.10.2017 (Annexure P-1) and take a conscious decision, in accordance with law, within a period

of 3 months from the date of receipt of certified copy of this order.”

This contempt petition was filed on 3rd May, 2018. When the matter came up for hearing before this Court on 24.5.2018, I passed the following ex parte order:-

“Issue notice to the respondent, returnable by 01.06.2018.

If the order is not passed by today, then the authority who was competent to pass an order, shall appear in this court to show-cause as to why costs of Rs.1,00,000/- should not be imposed on him to be paid from his own pocket and in addition he can be held guilty of the contempt of the orders of this Court.

To be shown in urgent list.”

Today Ms.Shruti Jain Goyal appears for the respondent- Officer and explains that even before the contempt petition was filed, the respondent and his office had remitted an amount of Rs.12,52,900. This position is not disputed by the learned counsel for the petitioner. A dispute is sought to be raised by Ms. Sonia Sharma daughter of Krishan Chand Sharma at the hearing today that only Rs.10.00 lakhs has been transferred. It is explained by Ms.Shruti Jain Goyal that this amount excludes Tax Deducted at Source i.e. Rs.2.50 lakhs. Leaving aside all these, a direction of this Court was to take a conscious decision, and therefore, the insistence of the learned counsel for the petitioner that speaking order has not been passed, is of no consequence. The deposit of

money is a conscious decision and whether the figure is right or wrong is not a matter for the Contempt Court to go into.

Learned counsel insisted that revised family pension w.e.f. 1.1.2016 has not been released. I have gone through the legal notice on which the directions were issued by this court and find that not even a whisper of arrears of family pension has been raised as grievance. Therefore, the argument with regard to arrears of revision of pension is misconstrued.

In view of the above, notice is discharged and the contempt petition is dismissed. However, the petitioner will pay costs of Rs.10,000/- for filing contempt petition even after the amount was deposited into the account of the petitioner. The costs be deposited with the Old Age Home, Sector 15, Chandigarh with a receipt to be produced within one month in the Registry.

1.6.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No