

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

**COCP No.607 of 2014
Date of decision : 04.05.2018**

P. K. Aggarwal

.....Petitioner

Versus

Gurdeep Singh

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Jai Vir Yadav, Advocate for the petitioner.

Mr. Rohit Sud, Advocate for the respondent.

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DAYA CHAUDHARY, J. (Oral)

On perusal of order dated 01.12.2010, passed in the writ petition, it is apparent that the writ petition was disposed of with the direction to the respondents to consider the claim of the petitioner for the release of arrears of provident fund and the 'additionality' as per calculation furnished by the petitioner in Para Nos. 4 and 7 of the writ petition. It was further directed that whatever is found due, the same be released to the petitioner within a period of three months.

The claim of the petitioner has been considered and certain payments have been released. The grievance of the petitioner is that the calculation has not been properly made and whatever was mentioned in the writ petition as well as in the representation, the same have not been taken into consideration.

Learned counsel for the respondent has brought to the notice of

this Court affidavit dated 25.07.2017 filed subsequently, wherein details have been mentioned in different tables *i.e.* Table – A and Table – B. In that tables, not only the amount has been mentioned but head(s), cheque numbers and dates have also been mentioned. It appears that there is difference in the amount. The contempt Court cannot go into the disputed question of fact. The petitioner has mentioned the details of amount in the writ petition as well as in the representation. The claim of the petitioner has been considered but still the petitioner is not satisfied with the details of amount, which have been given.

Just to solve the controversy in the present case, the petitioner is directed to file a specific representation by way of affidavit mentioning therein as to what is the calculation according to his expectations and the remaining amount which has not been released, within a period of two weeks from the date of receipt of certified copy of this order. In case such representation is moved, the respondent-authorities are directed to consider the same and in case any difference is found in the calculation, then the remaining amount be released to the petitioner within a period of two weeks thereafter. In case there is still disagreement by the respondent-authorities, then a detailed speaking order be passed.

Disposed of accordingly.

04.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No