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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1211-2017

Date of decision: 29.10.2019

BRIJ PAL SHARMA

.. PETITIONER

VERSUS

S.S. PHULIA AND ANR.

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Tyagi, Advocate
for the petitioner.

Mr.S.S.Mann, Senior DAG, Haryana.

Mr.S.K.Kaushik, Advocate
for respondent No. 2.

AVNEESH JHINGAN, J. (Oral)

Writ petition was filed by the petitioner for quashing the order dated 30.03.2009 whereby the petitioner was compulsorily retired. Further direction was sought for reinstatement of the petitioner in service till the age of his superannuation and to make payment of the arrears of salaries etc. along with 18% compound interest. The writ petition was allowed on 08.07.2015. The relevant part of the order is reproduced below:

“Keeping in view the above discussion, this writ petition is allowed; the order dated 30.03.2009 (Annexure P-13) passed by respondent No.2 is quashed and the respondent Nos.4 and 5 are directed to make deemed reinstatement of the petitioner in service till the age of his superannuation i.e. from 26.03.2001 till 31.10.2003 and to release all the arrears of salary, gratuity, revised pension as per Haryana Aided Schools

(Special Pension and Contributory Provident Fund) Rules, 2001, leave encashment, provident fund and other retiral dues to which the petitioner stands entitled alongwith interest @ 18% per annum from the date it became due till the date of actual payment.”

The present contempt petition was filed pleading that the needful has not been done by the respondents.

Pursuant to notice of motion, replies and affidavits were filed.

Learned counsel for the petitioner, *inter alia*, submits that the respondents have erred in rejecting the claim with regard to the Contributory Provident Fund and leave encashment. However, seeks liberty to avail remedies in accordance with law for redressal of the surviving grievances.

Disposed of with liberty as prayed for.

Rule issued against the respondents is discharged.

29th October, 2019

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*