

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

COCN No. 1388 of 2016

DECIDED ON: SEPTEMBER 02, 2019

EMANUAL AND OTHERS

.....PETITIONERS

VERSUS

R.K. BHAGAT

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.D. Sharma, Advocate
for the petitioners.

Mr. Bhupesh Dogra, Advocate for
Mr. Amit Aggarwal, Advocate
for the respondent.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 26.02.2016 passed in CWP No. 3984 of 2012.

The operational part of the order is quoted below:-

“ As a result, this petition is accepted. The petitioner is held entitled to seniority/priority with effect from the original date of appointment in 1986 as daily-wager. The respondents are directed to consider the claim of the petitioner in the light of this order and re-determine his dates of appointment/promotion/regularization with effect from the date when his juniors were granted benefit, which is being claimed by the petitioner herein. This consideration is directed to take place within two months from the date of receipt of certified copy of this order. If the impleaded legal representatives make a request for personal hearing or through an authorized representative, the same will be allowed within the time frame. The final order be communicated to the legal representatives, whose names are borne on the record of this case

and to do so soon after the same is passed. In case the order to be passed is adverse to their interest, the legal representatives shall be at liberty to approach this court again claiming monetary benefits as may naturally flow through their late father being part of estate left behind.”

The legal representatives of Yusuf Masih have been found entitled to an amount of ₹2,72,154/- after deducting the income tax to the tune of ₹68,040/-.

Learned counsel for the respondent states that the said amount could not be disbursed to the petitioners, as there is a dispute amongst the legal representatives and they are not able to produce succession certificate.

Learned counsel for the petitioners states that a civil suit is pending.

At this stage, learned counsel for the respondent undertakes that in case the details of the civil suit is supplied, respondent will move an application for depositing the said amount with the civil court.

This petition is disposed of with a direction that petitioner shall supply the details of the civil suit to the respondent within two weeks and thereafter, within four weeks the said amount be deposited by the respondent with the civil court by moving an application. The civil court shall keep the same in the FDR in a nationalized bank subject to the outcome of civil suit.

Rule issued against the respondent stands discharged.

SEPTEMBER 02, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***