

COCN No. 147 of 2016 (O&M)  
DECIDED ON: JULY 22, 2019

KULDEEP SINGH

.....PETITIONER

VERSUS

R.K. KHARBA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Naveen Daryal, Advocate, for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

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AVNEESH JHINGAN, J (ORAL)

This contempt petition is arising out of civil writ petition bearing No. 5065 of 2011 which was filed raising grievance with regard to fixation of pay scales and consequentially revising the retiral benefits of Momi Ram-deceased. The petition was allowed by this Court vide order dated 08.05.2015.

The relevant part is quoted below:-

*“Accordingly, the present petition is disposed of with a direction to the respondent-State to consider the case of the petitioner in view of decision passed in CWP No.5816 of 1994 titled as 'National Fitness Corps Teachers Association vs. State of Haryana and others', decided on 10.10.2007 and pass necessary speaking order, in case, the petitioner is found to be entitled for the relief. The necessary exercise be done within a period of three months from the date of receipt of certified copy of this order and in case, the petitioner is found entitled for the relief, the same be granted within a period of three months thereafter. In case, the petitioner is still aggrieved in any manner, he is at liberty to avail appropriate remedy in accordance with law.”*

Learned State counsel submits that calculation part is over and for releasing the amount, affidavit is required from all the legal heirs of Momi Ram to the effect that they are the only legal heirs of Momi Ram and they have no objection in case the amount is disbursed to one particular legal heir. The said affidavit is to be filed before the Treasury Officer. He further states that on doing the needful, in case there is no impediment the payment shall be released henceforth.

Learned counsel for the petitioner undertakes to file the afore-said affidavit within three weeks from today.

In view of above, no cause of action survives in the present contempt petition.

Disposed of as infructuous.

Rule issued against the respondents stands discharged.

**JULY 22, 2019**  
**sham**

**(AVNEESH JHINGAN)**  
**JUDGE**

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|-----------------------------------------|----------------------|
| <b><i>Whether speaking/reasoned</i></b> | <b><i>Yes/No</i></b> |
| <b><i>Whether reportable</i></b>        | <b><i>Yes/No</i></b> |