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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1428-2017(O&M)
DATE OF DECISION: 05.09.2019

SUBA SINGH (DECEASED) THR LR AMANDEEP SINGH

.. PETITIONER

VERSUS

AVTAR SINGH & ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harbans Lal Sharma, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Haryana.

Mr. H.S.Bedi, Advocate
for respondents No. 2 and 3.

AVNEESH JHINGAN, J. (Oral)

The petitioner (deceased) filed a civil writ petition No. 22885 of 2016. The prayers made in the writ petition were not pressed for and the writ petition was dismissed as withdrawn. The only prayer was that respondent No. 3 i.e. Assistant Registrar, Corporation Societies, Moga be directed to decide the legal notice dated 19.09.2014. The petition was disposed of with direction to the respondent to take decision on the legal notice and in case, the petitioner was found entitled to retiral benefits the same be released. It was ordered that, in case, the claim is rejected, a speaking order will be passed.

Pursuant to notice of motion, replies filed. With the reply dated 04.10.2017 filed by respondent No. 3, order dated 10.01.2017 has been annexed alongwith receipt dated 04.10.2017. As per the said order, in spite of the fact that the service book was not available yet the gratuity amount has been calculated and ordered to be paid by the Societies (i.e. respondents No. 1 and 2 in the contempt petition). It was held that the petitioner is not entitle to interest as the delay had occurred due to non- availability of a service book. Annexure R-2, is the receipt of payment of Rs. 1, 71,040/- to the legal heirs of the petitioner.

Learned counsel for the petitioner states that the order passed by respondent No. 3 is illegal and against the facts of the case. He further submits that the service book was available with the respondent and it has been wrongly mentioned that the legal heirs had not produced the service book. He further contended that there was a huge delay in making the payment and therefore, the claim of the petitioner regarding interest has wrongly been rejected.

The contention of the learned counsel for the petitioner does not fall with the ambit of the present contempt petition. In contempt proceedings, Court cannot travel beyond four corners of order alleged to have been flouted. The Supreme Court in ***Er. K. Arumugam Vs. V. Balakrishnan & Ors.*** 2019 AIR(SC) 818 held as under:-

*“17. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed. Observing that in the contempt jurisdiction, the court cannot travel beyond the four corners of the order which is alleged to have been floated, in **Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others v. M. George Ravishekar and others***

2014(2) S.C.T. 163 : (2014) 3 SCC 373, speaking for the Bench, Justice Ranjan Gogoi held as under:-

*"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, **Jhareswar Prasad Paul v. Tarak Nath Ganguly 2002(2) R.C.R.(Criminal) 835 : (2002) 5 SCC 352, V.M. Manohar Prasad v. N. Ratnam Raju (2004) 13 SCC 610, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami 2008(3) R.C.R.(Civil) 177 : (2008) 5 SCC***

*339 and Union of India v. Subedar Devassy PV 2006(1)
R.C.R. (Criminal) 702 : (2006) 1 SCC 613."*

The directions of this Court were to decide the legal notice and the needful has been done by passing order 10.01.2017. In case, legal heirs of the petitioner are aggrieved of the orders passed, it gives fresh cause of action for which the legal heirs petitioner can avail remedies in accordance with law.

Considering the directions of this Court have been complied with and no further order is called for in the contempt proceedings. The present contempt petition is dismissed. However, the legal heirs of the petitioner would be at liberty to avail remedies in accordance with law.

Pursuant to the order dated 22.11.2018, respondent No. 1-Avtar Singh, President and respondent No. 2-Jasvir Singh, President are present in Court as verified by their counsel. In view of the fact that the contempt petition has been disposed of today, their bail bonds be released.

Rule issued against the respondents is discharged.

5th September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*