

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No. 1750 of 2016

Date of Decision: 15.07.2019

Rajinder Kumar Khurana

.....Petitioner

Versus

K.D. Chudhary and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Yokesh Kumar Aneja, Advocate
for the petitioner.

Mr. M.C. Berry, Advocate
for the respondents.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 3.5.2016 passed in C.W.P. No. 1602 of 2015.

The operation part of the order is reproduced below:

"The prayer is for release of pension and pensionary benefits which have been withheld for non-completion of service book. The service book has to be completed by the respondents and not the petitioner. All that the petitioner can do is to cooperate in its completion, which labour the petitioner has not denied. The inaction of the respondents deserves to be deprecated as it has adversely affected the valuable rights of the petitioner. The interim mandamus, is thus made absolute. The amounts due be calculated by taking the petitioner into confidence and sum determined be made to the petitioner within one month from the date of receipt of certified copy of this order. It will be the duty of the respondents to call the petitioner by serving notice on him to come forward, in case, his presence is required for completion of the service book. The amounts so determined will carry interest from the date of retirement till payment at 12% per annum which will be compounded six monthly just as amounts lying in General Provident Fund. A

higher amount of interest is being awarded in this case because of the attitude and conduct of the respondents in denying the legitimate dues to the petitioner which are in the nature of right to moveable property. The amount determined be paid within the same time frame and proof of payment be placed through an application in the present case for the perusal of the Court. If the amounts are not paid within the time fixed interest will carry at 18% per annum till realization."

During the pendency of the contempt petition, retiral benefits have been paid to the petitioner. The petitioner, who is present in Court today and verified by his counsel, is not raising any dispute viz-a-viz retiral benefits.

The issue is only with regard to calculation of interest on the amount found due. This Court vide order dated 28.9.2018 allowed the petitioner to file representation alongwith calculation of interest and the respondents were directed to take decision on the same. The petitioner submitted a representation alongwith calculation which was considered and decided vide order dated 10.12.2018 annexed along with the affidavit filed today in Court.

As per the said document, the petitioner has been paid an amount of Rs. 25,19,197/- and Rs.9,90,688/- for interest.

Learned counsel for the petitioner states that the interest has not correctly been calculated and his representation has wrongly been rejected.

No cause of action survives at present for taking any further action in the contempt proceedings.

Disposed of.

The petitioner shall be at liberty to avail remedy as available in

accordance with law against the order dated 10.12.2018.

Needless to add that if the contents of the affidavit filed today in Court is found false, the petitioner would be at liberty to revive the contempt petition.

15.07.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No