

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp No. 2373 of 2017

Date of Decision: 23.07.2019

R.S. Dhull

.....Petitioner

Versus

Depinder Singh Dhesi and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Balraj Singh, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana
assisted by Mr. Sunil Sangwan, Assistant o/o ACS&FCR.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience
of order dated 30.11.2016 passed in CWP No. 14360 of 2008.

The operational part of the order is reproduced below:

"In the circumstances, after computing the said service, the pension and other pensionary benefits of the petitioner are required to be recalculated and refixed . It is further directed that the petitioner shall not be entitled to any arrears of salary and other service benefits etc. on account of undue delay and laches in approaching this Court. However, he is entitled to arrears of pension and other retiral benefits. Interest @ 9% per annum on the arrears of pension and other retiral benefits, which becomes due to the petitioner, will commence from 38 months prior to the date of the filing of present petition till date of payment. Arrears of pension, retiral benefits and interest be released to petition within three months from the date of receipt of a certified copy of the judgment."

On notice reply by way of two affidavits of Keshni Anand Arora,

Additional Chief Secretary and Financial Commissioner, Government of
Haryana, Revenue and Disaster Management Department has been filed.

Along with affidavit order dated 4.11.2017 has been annexed whereby the petitioner has been found entitled to arrears of pension and other retiral benefits alongwith interest. It has further been stated that the arrears of revised pension etc. have been paid to the petitioner.

Learned counsel for the petitioner states that there is error in fixation and calculation of retiral benefits and increments have not been rightly added. He further states that an application has been moved for modification of order of this Court dated 30.11.2016.

In view of the reply filed, the order of this Court has been complied with. No further action is called for in the contempt petition.

However, the petitioner would be at liberty to raise the grievance with regard to calculation and fixation part by availing remedies available in accordance with law.

It would be pertinent to mention here that in the order dated 4.11.2017, it has been specifically mentioned that the benefits are subject to the condition that if at any stage any discrepancy comes to the notice, the same shall be rectified as per rules and instructions of the Government, that itself provides for a remedy to the petitioner for redressal of his grievance.

In case the petitioner succeeds in the modification application that will give a fresh cause of action to the petitioner.

In view of above, the contempt petition is disposed of.

Rule issued against the respondents is hereby discharged.

(AVNEESH JHINGAN)
JUDGE

23.07.2019
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