

COCN No.3043 of 2018 (O&M)
Date of Decision: 22.2.2019

Rajinder Singh Dhanda

.....Petitioner

Versus

Jagdeep Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. A.D.S. Jattana, Advocate, for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

NIRMALJIT KAUR, J. (ORAL)**CM No.4288-CII of 2019**

Affidavit of the petitioner is taken on record.

The application stands disposed of.

COCN No.3043 of 2018

The present contempt petition has been filed for non-compliance of the order dated 12.3.2018, vide which, direction was issued to take conscious decision on the representation of the petitioner by way of passing a speaking order after looking into the grievance of the petitioner with respect to the refixation of pay after giving him annual increments and also 6th pay commission along with retiral benefits.

Short reply and compliance report have been filed. As per the compliance report, the order has been complied with and even the interest on the delayed payment has also been made.

Learned counsel for the petitioner does not dispute that the retiral benefits have been given, but he is aggrieved by the rate of interest as well as non-payment of interest on the refixed pay for which arrears of interest have to be paid.

Learned counsel for the respondent while disputing the rate of interest submitted that the rate of interest has been paid as per the instructions mentioned in the order dated 12.3.2018 and the interest as mentioned in the judgment passed by Full Bench of this Court in case of A.S. Randhawa vs. State of Punjab and others, 1997 (3) SCT 468 was not applicable in the case of the petitioner.

Be that as it may, no speaking order has been passed qua the interest part. Accordingly, the contempt petition is disposed of with a direction to the respondent to pass speaking order with respect to the rate of interest as also the interest on the arrears of refixed pay, for which, the petitioner shall file a representation within two weeks from today giving the reasons why he is entitled to the same as well as 12% rate of interest. The respondent shall thereafter, look into the representation and pass an appropriate order in accordance with law. In case, the petitioner is found to be entitled to the rate of interest claimed by him, the same too shall be disbursed to the him forthwith, otherwise the petitioner will have the liberty to challenge the same in accordance with law. Speaking order shall be passed within one month to the receipt of the said representation.

Rule issued against the respondent stands discharged.

22.2.2019
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(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No