

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 3244 of 2018
Date of decision: 2.12.2019

Harbhajan Singh and others

.. Petitioners

v.

Saravjit Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ranjivan Singh, Advocate for the petitioners.
Mr. Aditya Sharda, AAG, Punjab.

...

AVNEESH JHINGAN, J. (Oral)

The present petition is filed pleading wilful disobedience of the order dated 6.12.2017.

The brief facts are that the petitioners filed the writ petition seeking direction to grant regular pension and other retiral benefits. The writ petition was withdrawn on 30.7.2015 as during the pendency thereof, retiral benefits except leave encashment were paid. In that petition, learned counsel for the State made a statement that the said benefit could not be released for want of service book and other relevant documents but the same will be despatched within two weeks. It was directed that in case the amount of leave encashment is not released within six weeks from the receipt of certified copy, the petitioners shall be at liberty to revive the writ petition. As needful was not done by the respondents, an application was moved for revival of the writ petition. The application was disposed of on 6.12.2017 with the direction to the respondents to calculate the amount due to the petitioners for leave encashment and the payment was to be made as per the respective shares of the departments according to length of service the

petitioners had served. The payment was to be made within two months. It was further ordered that in case the needful is not done within the prescribed period, the petitioners shall be entitled to interest @ 9% per annum.

Learned counsel for the petitioners submits that payment of leave encashment has been made but leave encashment for the period the petitioners served with the Irrigation Department on work-charged basis has not been given.

Learned counsel for the State submits that there are instructions of the Finance Department to the effect that leave encashment for work-charged period is not to be granted.

There is compliance of the directions of this Court, no further interference is called for in the contempt petition. The grievance raised by the petitioners does not fall within the ambit of contempt proceedings. The law is well-settled that the Contempt Court has to restrict itself within the four corners of the directions issued by the Writ Court. There was no issue either involved or decided in the writ petition as to whether work-charged period should be counted for leave encashment or not.

The contempt petition is disposed of. However, the petitioners shall be at liberty to avail remedies in accordance with law for redressal of the surviving grievance.

(AVNEESH JHINGAN)
JUDGE

2.12.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No