

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCF No. 826 of 2016

Date of Decision: 04.09.2019

Santokh Singh

.....Petitioner

Versus

Sh. Yash Pal Singal

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Sharma Nabhwala, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 24.12.2015 passed in CWP No. 27229 of 2015.

The operational part of the order is reproduced below:

"After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant writ petition with a direction to the respondents to consider and decide the representations (Annexures P-11 to 15) made by the petitioner, by passing a speaking order, within a period of two months from the date of receipt of certified copy of this order.

Ordered accordingly."

Reply by way of affidavit of Dr. K.P. Singh, IPS Director General of Police, Haryana, has been filed annexing the order dated 26.10.2016 whereby the petitioner was paid Rs.1,98,988.14 for monetary benefits and Rs.98074.74 for interest on the delayed payment.

Learned counsel for the petitioner states that in view of the order passed, no cause of action survives for pursuing the present contempt petition.

A grievance is raised that the amount found due has wrongly been

calculated as certain period has not been considered for calculating salary and the respondent erred in holding that the petitioner was not entitled to LTC. He further submits that House Rent Allowance (HRA) has also been illegally denied by merely stating that petitioner had not applied for it. With regard to grievance of calculation of amount, denial of LTC and with regard to HRA, he seeks liberty to avail remedy in accordance with law.

Learned counsel for the State on instructions from Mr. Harjashanjot Singh, ADA, O/o Commandant Ist Battalion, Haryana Police, submits that in case the petitioner approaches the respondent with a representation with regard to calculation error or denial of HRA, the same would be considered sympathetically in accordance with law and shall be decided by passing a speaking order after affording an opportunity of hearing to the petitioner.

In view of the above, the contempt petition is disposed of as infructuous with liberty as prayed for.

There is no doubt that in case a representation is made with regard to calculation error and claim of HRA, the same would be decided expeditiously, but not later than three months from receipt of the information.

04.09.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No