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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3790-2018
Date of decision: 05.09.2019

SHAMINDER KAUR

.. PETITIONER

VERSUS

SH KRISHAN KUMAR & OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Bali, Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 24.11.2017 passed by this Court in CWP No. 22886 of 2017. The operative part of the order is reproduced below:

“Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 9% per annum, on the delayed payment after expiry of three months from the date of retirement of petitioners/date of accrual till the payment, is legally and factually justified. Accordingly, this Court awards an interest @ 9% per annum on the delayed payment from expiry of three months from the date of retirement of petitioners/ date of accrual to actual date

of payment, which shall be paid by the respondents after calculating the same within a period of three months from the date of receipt of certified copy of this judgment. Further, a direction is issued to the respondents to consider the claim of petitioner(s) in case any payment/arrear is pending towards them including interest, if any in the above terms, within a period of three months. In case, petitioners still feel aggrieved they shall be at liberty to approach this Court.

Disposed of.”

Reply was filed pleading that payments have been made for pensionary benefits, GPF, Leave encashment, revised leave encashment and arrears of ACP. The interest has also been paid for GPF.

Learned counsel for the respondent has produced a document wherein it has been stated that an amount of Rs. 10,324/- has been paid to the petitioner as interest for arrears of ACP.

In view of the reply filed, learned counsel for the petitioner submits that no cause of action survives for pursuing the contempt petition. However, he states that the calculations have not been correctly made and even the period for which interest has been awarded for arrears of ACP has also not been taken correctly. He further seeks liberty to avail remedies in accordance with law, including to approach the respondents with a detailed calculation along with his representation.

In view of the above, the contempt petition is disposed of. However, in case, the petitioner approaches the respondents with a representation, the same would be decided in accordance with law by passing a speaking order after affording opportunity of hearing to the

petitioner. The representation would be decided expeditiously but not later than four months from its receipt.

Disposed of with liberty as prayed for.

Rule issued against the respondents is discharged.

5th September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*