

COCN No. 945 of 2015

DECIDED ON: SEPTEMBER 02, 2019

AMRIT KAUR BEDI

.....PETITIONER

VERSUS

PRIYANKA BHARTI AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sanjeev Sharma, Advocate and
Mr. Hoshiar Singh, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

Mr. HPS Ghuman, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 27.10.2014 passed in CWP No. 12476 of 2011.

The operational part of the order is quoted below:-

“Accordingly, the writ petition is disposed of with a direction to extend the benefit of the circular dated 4.4.1985 to the petitioner by adding two years period to her service for the purpose of computation of pension and other retiral benefits and then to recalculate the pension and other retiral benefits payable to her and pay the same within a period of three months from the date of receipt of certified copy of this order.”

The issue involved was that the petitioner being ward of freedom fighter, sought two years additional service beyond the age of 58.

Pursuant to the notice of motion, reply was filed by way of an affidavit of Dr. Indu Malhotra, Commissioner, Municipal Corporation, Patiala giving the details of computation of retiral benefits. The due payments were made. Thereafter, petitioner filed a rejoinder giving her own calculations of the due amount. Respondent No.2 filed counter affidavit dated 14.07.2017 of Gurpreet Singh Khera, Commissioner, Municipal Corporation, Patiala wherein the stand taken by the respondent No.2 was that the petitioner was not entitled to increment as per rule 4.7 of CSR Volume-1 Part-1. Thereafter, petitioner filed another affidavit annexing the details as Annexures D-1 to D-3.

Vide order dated 29.05.2019, petitioner took time to file an additional affidavit. The matter is taken up today, but no further affidavit has been filed. The grievance raised by the petitioner is that the respondents erred in not giving the increment and rule 4.7 of CSR Volume-1 Part -1 could not have been invoked in the present case.

The argument raised by learned counsel for the petitioner does not fall within the ambit of contempt petition. The direction was only to extend the benefit of two years services for the purpose of computation of pension and other retiral benefits. The benefits of extension of two years service was extended, computation of pension done and the other retiral benefits have been released to the petitioner.

No case is made out for contempt.

Dismissed.

Rule issued against the respondents stand discharged.

At this stage, learned counsel for the petitioner submits that he may

be granted liberty to avail remedy in accordance with law if some fresh cause of

action arises.

Needles to say that petitioner would be at liberty to avail remedy in accordance with law if some fresh cause of action arises.

SEPTEMBER 02, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>