

221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3880-2017

DATE OF DECISION: 09.09.2019

OMPAL

.. PETITIONER

VERSUS

K S SINDHU AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

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

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 24.05.2017 passed by this Court in CWP No. 535 of 2013. The operative part of the order is reproduced below:

“5. In view of the recording of integrity “Dishonest” for the 2 spells read with general remarks on criminal case FIR No.85 dated 19.3.2009 for the offences under Section 7/13 of the Prevention of Corruption Act, 1988 registered at Police Station Bahadurgarh, it has been recorded against integrity as “Dishonest”. Such ACR cannot be taken into consideration for the purpose of retiring an employee compulsorily. In the present case for the reasons that petitioner has been acquitted in the criminal case on 28.9.2011 with reference to FIR No.85 dated 19.3.2009. Further the respondents have filed in disciplinary proceedings on 2.1.2012. In other words both in

the criminal as well as disciplinary proceedings petitioner had been acquitted and exonerated. Therefore, there is no point in taking those materials relating to ACRs for the 2 spells, namely, 26.12.2008 to 31.3.2009 and 1.4.2009 to 31.3.2010. Learned counsel for the respondents submitted that petitioner had suffered judicial order in respect of ACR for the period from 14.04.2000 to 31.03.2001 as already submitted that said ACR cannot be taken into consideration for the purpose of retiring petitioner compulsorily as it is prior to 10 years period. In view of the above facts and circumstances, Annexure P-6 dated 9.11.2012 and Annexure P-7 dated 12.11.2012 are set aside.

6. Petition stands allowed. Reserving liberty to the respondents to pass a fresh order if it is warranted.”

Learned State counsel submits that though the respondents have preferred an LPA against the decision of the learned Single Judge but order dated 09.04.2019 has been passed to release the benefits to the petitioner subject to the outcome of LPA No. 1928 of 2017. The said order has been produced in Court today, a copy of the order is handed over to the learned counsel for the petitioner.

Learned State counsel submits that the revised pension is yet to be paid and the needful would be paid within two months from today.

Learned counsel for the petitioner submits that the amount found due to the petitioner has not been correctly calculated, he seeks liberty to avail remedies in accordance with law.

In view of the above, the contempt petition is disposed of with directions to the respondents that the amounts found due by the respondents which remains unpaid, till today, shall be paid within two months from today.

The petitioner would be at liberty to avail remedies for redressal of grievance against the calculations and order dated 09.04.2019.

Rule issued against the respondents is discharged.

9th September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

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