

233

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3919-2017
Date of decision: 02.09.2019

DEV RAJ

.. PETITIONER

VERSUS

SH RAJIV GAUBA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohiteshwar Singh , Advocate
for the petitioner.

Mr. Sudhir Nar, Senior Panel counsel
for UOI-respondents.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 02.12.2016 passed by this Court in CWP No. 4923 of 2012. The operative part of the order is reproduced below:-

“In view of the above facts and circumstances, Annexure P-2 dated 2.6.2010 and Annexure P-4 dated 25.3.2011 are set aside.

Therefore, the respondents BSF are directed to subject the petitioner to Medical Board Examination once again and find out the percentage of disability so also related ailment of the petitioner of Hypertension followed by paralysis attack are in connection with the service or not. Such action shall be taken by the respondents-BSF within three months from today

and further take necessary action if the disability of the petitioner is on par with the medical opinion given by the Civil Hospital, Hoshiarpur and if he fulfills the conditions stipulated for the purpose of granting disability pension, the same shall be granted at the earliest.

Petition stands allowed.”

Pursuant to the notice of motion, replies have been filed wherein it has been stated that the petitioner was found entitled to disability pension. The detailed calculation has also been provided to the petitioner.

Learned counsel for the respondents submits that the disability pension has been calculated and the monthly disability pension is being paid regularly.

Learned counsel for the petitioner states that the arrears of pension have not been calculated correctly. He further submits that the monthly pension is not being disbursed regularly.

In case, the monthly disability pension has not been disbursed or credited to the account of the petitioner, the respondent shall do it within two weeks from today. The pension upto 31.08.2019 should be credited to the account of the petitioner within two weeks.

In view of the above, the present contempt petition is disposed of with the direction to the respondents that the petitioner would approach the respondents with a representation giving detailed calculations of arrears. The same would be decided in accordance with law after providing opportunity of hearing either to the petitioner or his authorised representative. The needful shall be done within six weeks of filing the

In case, the petitioner is found entitled to enhanced/revised amount, the same shall be paid within four weeks thereafter. If the petitioner is aggrieved of the order passed by the respondents on his representation, he would be at liberty to avail remedies in accordance with law.

2nd September, 2019

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*