

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No.74 of 2018 (O&M)
Decided on: August 19, 2019

Iqbal Mohammad

.....Petitioner

VERSUS

Karmesh Sharma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Liaqat Ali, Advocate for the petitioner.

Mr.Aditya Sharda, AAG Punjab.

Mr.B.S.Sidhu, Advocate for respondent No.3.

AVNEESH JHINGAN, J (ORAL)

This contempt petition has been filed pleading wilful disobedience of the order dated 15.5.2017 passed by this Court in CWP No.10257 of 2017.

The operational part of the order is reproduced below:

“In these circumstances, without issuing notice to the respondents, the present petition is disposed of with direction to respondents No.2 to 4 to consider the legal notice of the petitioner dated 27.12.2016 (Annexure P-1) and decide the same within two months from the date of receipt of certified copy of this order by passing a speaking order.

Needless to say, if there is no legal impediment, the retiral benefits of the petitioner be released to him forthwith alongwith interest as per Government instructions.”

Pursuant to the notice of motion, short reply dated 12.3.2019 by

way of affidavit of respondent-Karnesh Sharma, Director, Local Government, Punjab dated 12.3.2019 has been filed. Alongwith reply, order dated 6.7.2018 has been annexed wherein it is stated that the retiral benefits cannot be released to the petitioner as certain adjustment of payments of advance money/bitumen is to be made from the petitioner.

Learned counsel for the petitioner submits that the order passed is illegal and against the facts.

The said grievance raised by the learned counsel for the petitioner cannot be gone into in the contempt proceedings and does not fall within the ambit of present petition. The direction of the Court was to decide the legal notice and in case there was no impediment, retiral benefits were to be released.

The contempt petition is disposed of as infructuous. However, the petitioner would be at liberty to avail remedy in accordance with law against the order dated 6.7.2018.

Rule issued against the respondent stands discharged.

August 19, 2019
Meenu

(AVNEESH JHINGAN)
JUDGE

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