

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No. 841 of 2018

DECIDED ON: SEPTEMBER 03, 2019

MAHENDER SINGH

.....PETITIONER

VERSUS

SMT. SANGEETA KALRA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 18.04.2017 passed in CWP No. 4139 of 2016.

The operational part of the order is quoted below:-

“ *In view of the above recording by the Department in respect of the petitioner's service particulars vide Annexure P-5 merely stating that the petitioner service is no longer required due to chequered record which reflect adversely on his integrity is not supported by any reasons/incidents. Moreover it is very vague. Further for the purpose of retiring an employee an employer cannot rely on doubtful integrity. Doubtful integrity is with reference to suspicion and the Government instructions is very specific that 70% or above good reports are required to be taken into consideration and whose integrity is not doubted during the last 10 years whereas in the present case, doubtful integrity is only for the period of 3 months during the year 2010-11. Hence, the*

order retiring the petitioner compulsorily is hereby set aside. The petitioner is entitled for consequential benefits. The same shall be released within a period of 3 months from today.

Petition stands allowed.”

Learned State counsel has produced a copy of order dated 30.08.2019, copy of which has already been supplied to the petitioner. Copy handed over to the counsel for the petitioner in the court today.

Learned State counsel, on instructions from SI Kailash Chand, O/o Superintendent of Police, Rewari, submits that except Death-cum-Retirement Gratuity (DCRG) the entire payment has been made to the petitioner and the payment with regard to DCRG would be made within six weeks from today.

In view of above, learned counsel for the petitioner submits that no cause of action survives for pursuing the present contempt petition. However, he seeks liberty to avail remedy in accordance with law to challenge the order dated 30.08.2019, if aggrieved of.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondent stands discharged.

However, it is made clear that in case the afore-said statement is not adhered to, petitioner would be at liberty to revive the present contempt petition and in case petitioner is forced to do so, costs may be imposed which shall be recovered from the defaulting official/officer.

SEPTEMBER 03, 2019
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(AVNEESH JHINGAN)
JUDGE

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