

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCP 958 of 2018

Date of Decision : February 28, 2019

Balwinder Singh

.....Petitioner

VERSUS

B.K.Bhawra and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ravi Malhotra, Advocate for the petitioner(s).

Mr. Kanisth, Ganeriwala, AAG, Punjab.

NIRMALJIT KAUR, J. (Oral)

The present contempt petition alongwith COCP No.858 of 2018 and COCP No.1356 of 2018 alongwith the applications for revival filed in COCPs-157 to 160 of 2017 shall stand disposed of by this common order.

For convenience, the facts are taken from COCP No.958 of 2018.

The contempt petitions are filed for non-compliance of the order dated 26.10.2016 vide which a direction was issued to the respondent to decide the cases of the petitioner(s) for the grant of benefits admissible to the ex-serviceman, who served in the active military service in second emergency in the light of the judgment rendered in the case of **Rajinder Singh Vs. State of Punjab and others** CWP No.17661 of 2013 decided by the Division Bench on 13.11.2014.

Reply was filed on 9.8.2018 in COCP No. 858 of 2018 which was applicable in all the cases. It was apparent that the cases of the petitioner(s) for grant of pension on account of service rendered in the active military service in second emergency was under consideration with the Department of Home Affairs and that the sanction/approval was necessary before the said benefits could be extended to the petitioner(s) which has not been received. Thereafter, the connected COCPs No.157 to 160 of 2017 were disposed of vide order dated 6.12.2017 on the statement of learned State counsel that the order shall be complied with at the earliest and in any case not later than one month. The Court while disposing of the contempt petition had specifically observed that in case fresh cause of action accrues to the petitioner(s) to invoke the contempt jurisdiction, exemplary costs shall be imposed which would be deducted from the salary of the officer(s) responsible for delay/non-compliance. No doubt, when the needful was not done, the petitioner(s) was forced to file the revival applications as mentioned above in the aforesaid connected contempt petitions as well but learned counsel for the respondent-State has submitted that the needful could not be done on account of some notification had yet to be issued.

Today, learned counsel for the respondent-State has filed his status-report alongwith the notification dated 7.12.2018 in COCP No.1356 of 2018 by way of affidavit of Kuldeep Singh, ADGP/IT&T, Punjab, Chandigarh vide which rules have been amended and the cases of the petitioner(s) required to be considered, accordingly. Further, as per the said status report, the cases of the petitioner(s) alongwith their

similarly situated officials have been prepared and sent to the Office of Director General of Police, Punjab on 20.2.2019, who has further sent the same to the Department of Home Affairs and Justice for necessary approval being the competent authority as is evident from Annexure R-2. It is, therefore, pointed out that the needful is now being done by the Department of Home Affairs and Justice. However, the Department of Home Affairs and Justice is not a party before this Court. Accordingly, Secretary, Department of Home Affairs and Justice is impleaded as respondent No.2. The amended memo of parties be filed by learned counsel for the petitioner(s) is taken on record.

Learned counsel for the respondent is directed to accept the notice on behalf of respondent No.2.

Learned counsel for the State now prays for time to file reply on behalf of respondent No.2 but this Court does not deem it proper to adjourn the matter any further as the facts above show that the respondents in any case have no choice but to now comply with the said order. Accordingly, respondent No.2 is directed to comply with the order passed by this Court in letter and spirit and the benefits so admissible to the petitioner(s) be disbursed forthwith preferably within six weeks from today. In case the amount admissible to the petitioner(s) is not disbursed within the stipulated time of six weeks, on each delayed payment, the respondents shall be liable to pay the said amount alongwith interest @ 6% per day till as such time the said amount is disbursed to the petitioner (s).

In view of the same, the contempt petitions alongwith
aforesaid revival applications are dismissed.

Rule issued against the respondent(s) stands discharged.

February 28, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No