

COCP No. 285 of 2019

DECIDED ON: AUGUST 27, 2019

CHANDER MOHAN BHATNAGAR

.....PETITIONER

VERSUS

KRISHAN DHULL

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Prappan Uppal, Advocate for Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. Shalender Mohan, Advocate, for the respondent.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 25.07.2018 passed in LPA No. 1682 of 2016.

The operational part of the order is quoted below:-

“ In the light of the above discussion, the appellant will have to be paid full salary from the date of his termination, i.e. 12.02.2013 because the said termination order was quashed by the learned Single Judge, till the second order of his removal from service was passed pursuant to the order made by the learned Single Judge to take fresh action against him by supplying him enquiry report as the appellant was neither reinstated nor paid any allowance. In view of the fact that the legal position was very well known to the respondent- Management and still it did not act according to law and the appellant was without any source of income for the entire period, it would be appropriate to compensate the appellant with costs in the sum of ₹50,000/- payable to him within a period of 2 months along with salary as aforesaid. In the result, we make the following order:-

ORDER

- (i) *Letters Patent Appeal No.1682 of 2016 is allowed;*
- (ii) *Respondent No.1-Management shall pay full salary to the appellant for the period from the date of termination on 12.02.2013 till the date his second order of removal from service on 24.01.2017, within 2 months from today;*
- (iii) *Upon failure to pay salary as aforesaid, the same shall carry interest @ 6% per annum. Liberty to take up remedy of appeal against the order of termination/removal dated 24.01.2017;*
- (iv) *Respondent No.1-Management shall also pay costs to the appellant in the sum of ₹50,000/-, within 2 months from today.”*

On 02.05.2019, reply was filed and copy thereof, was given to the counsel for the petitioner who took time to go through the same.

Learned counsel for the respondent submits that all the three directions of this Court have been complied with. He further submits that even the costs of ₹50,000/- has also been paid. He relies upon the Annexures R-2 to R-4 annexed with the reply.

In view of above, learned counsel for the petitioner submits that no cause of action survives for pursuing the present contempt petition. He, however, seeks liberty to avail remedy in accordance with law in case still some grievance survives.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondent stands discharged.

AUGUST 27, 2019
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(AVNEESH JHINGAN)
JUDGE

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