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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COC-296-2019

Date of decision: 26.08.2019

Kahan Singh

.. Petitioner

Versus

M.S. Nijjer

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Mr. Vaibhav Khatri, Advocate for
Mr. Vipul Jindal , Advocate
for the respondent.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 27.07.2018 passed by this Court in CWP No. 16345 of 2016. The operational part of the order is quoted below:

“ In view of the above, without advertting to the merits of the case, the present petition is disposed of with a direction to the respondents to consider the case of the petitioner(s) in the light of assertion made. If, on consideration, the competent authority reaches to the conclusion that the case of the petitioners is covered by the ratio of law laid down in the above said judgments, in that eventuality, the competent authority is directed to pass the consequential order within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioners is not admissible or made out, in that case, a speaking order be passed in the matter.”

Learned counsel for the respondent submits that the claim of the petitioner has been accepted to the extent that he would be governed by the old pension scheme. He further states that the consequential payments have already been transferred to GPF account.

Learned counsel for the petitioner is not in a position to dispute the said fact. He further argues that the issue of interest has not been decided as the amount has been kept by the respondent for a long period.

Learned counsel for the respondent submits that the claim of the petitioner with regard to payment of interest would be decided in accordance with law by passing a speaking order after providing an opportunity of hearing.

Let needful be done within a period of six weeks from today and in case, the petitioner found entitled for interest, payment would be released thereafter immediately.

Needless to say that, in case of grievance against the order passed with regard to the claim of interest, the petitioner would be at liberty to avail remedy in accordance with law.

Disposed of as infructuous with liberty as prayed for.

26th August, 2019

shabha

(AVNEESH JHINGAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No