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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-17525-CII-2019 in/and
COCP-831-2019

Date of decision: 16.09.2019

SUNITA

.. PETITIONER

VERSUS

RAKESH AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.S.S.Dalal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG. Haryana.

AVNEESH JHINGAN, J. (Oral)

CM-17525-CII-2019

Allowed as prayed for.

The documents are taken on record.

COCP-831-2019

Writ petition was filed by the petitioner for quashing order dated 09.04.2012 terminating the services of the petitioner. The writ petition was allowed and the order of termination was set aside. It was ordered that the petitioner would be reinstated in service with consequential benefits. Contempt petition filed pleading non-compliance of order of this Court.

A reply by way of affidavit of Ramphal Dhankhar, District Elementary Education officer, Sonapat, dated 21.5.2019 was filed wherein he had made certain comments with regard to the decision of this Court and with regard to orders made by his senior officers.

Vide order dated 05.09.2019, Sh. Ramphal Dhankar, District Elementary Education officer, Sonapat was asked to remain present in the

Court. Today, he is present in Court today and filed an affidavit tendering unconditionally apology with regard to the pleadings made in the affidavit dated 21.05.2019. With the affidavit filed today, there is a copy of the pay order of Rs. 1,67,543/- i.e. the amount of arrears paid to the petitioner from 01.04.2015 to 16.11.2018.

Learned counsel for the petitioner contends that the petitioner is not being paid salary regularly.

Learned counsel for the respondent, on instructions from Sh. Ramphal Dhankar, submits that the salary due upto 31.08.2019 has already been paid and in future also would be paid in time.

Learned counsel for the petitioner further submits that the amounts of arrears have not been correctly calculated.

The said contention of the learned counsel for the petitioner does not fall within the ambit of the present contempt petition. However, the petitioner is granted liberty to file a representation before the respondents with a detail calculation. In case, such a representation is made, the same would be decided in accordance with law after affording opportunity of hearing expeditiously but not later than six months.

In view of the unconditional apology tendered by Sh. Ramphal Dhankar, DEO, no proceedings are being initiated for contempt.

However, the Department, if so advised, would be at liberty to take appropriate departmental action.

The contempt petition is disposed of.

Rule issued against the respondents is discharged.

16th September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*