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

**COCP No.873 of 2019
Date of Decision: 18.07.2019**

Mohmmad Yaseen

Petitioner

Versus

A. Venu Prasad, IAS, Secretary to Government of Punjab,
Department of Local Bodies and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

Mr. P.S. Sandhu, Advocate
for respondent No.4.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading wilful disobedience of order dated 14.09.2018 passed by this Court in CWP No.24774 of 2014.

The operational part of the order is reproduced below:-

“The petitioner retired on 31.12.2010, whereas, the impugned recovery was ordered against the petitioner on 13.02.2013. Thus, the case of the petitioner is squarely covered by the ratio of law as laid down in Rafiq Masih's case (supra). The amount paid in excess, if any, is not on account of any lapse or misrepresentation on the part of the petitioner; it is the department which erred in granting him such a benefit.

Therefore, keeping in view the above, the impugned order, Annexure P-1, to the extent of effecting recovery to the tune of ₹57,417/-, is set aside.

The respondent(s) are directed to pay the entire amount recovered from the petitioner along with interest at the rate of 6.5% per annum from the date of recovery till actual payment.

As regards the second prayer of the petitioner for release of arrears is concerned, the same had been withheld by respondent No.4 on the wrong premise of recovery due from the petitioner. In these circumstances, the petitioner is held entitled to that last instalment of 40% of the said arrears alongwith interest @ 6.5% per annum.

Allowed in the above terms.”

Learned counsel for respondent No.4 has filed reply by way of affidavit of Kulbir Singh Brar, Executive Officer, Municipal Council, Malerkotla, same is taken on record. Copy of reply is handed over to learned counsel for the petitioner.

The relevant portion of the reply is reproduced below:-

“2. That the total due that was to be paid to the petitioner as per the Judgment of the Hon'ble High Court in CWP No.24774 of 2014, has been paid to the petitioner vide cheque No.000553, dated 21.05.2019 drawn on HDFC bank for a sum of Rs. 1,19,417/- (One Lakh Nineteen Thousand Four Hundred and Seventeen Only.) and the same has been accepted by the petitioner on 22/05/2019.

In view of reply filed, the contempt petition is disposed of as infructuous.

None has put in appearance for the petitioner. However,

in case there is some grievance with regard to calculation of the amount, petitioner would be at liberty to avail remedies available in accordance with law.

The rule issued against the respondents is discharged.

[AVNEESH JHINGAN]
JUDGE

July 18, 2019

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |