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

COCP No.844 of 2019

Date of Decision: 16.07.2019

Yash Rani

Petitioner

Versus

Krishan Kumar, Secretary to Government of Punjab, Department of
Education and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading wilful disobedience of order dated 01.10.2018 passed by this Court in LPA No.1580 of 2017.

The relevant portion of the order is reproduced below:-

“However, while accepting the prayer of the respondent as noticed above, learned Single Judge has directed the appellants-State to release the payment of pension along with interest.

For the purposes of reference, the relevant is extracted below: -

“In view of the above, the writ petition is being allowed to the extent that the order of removal from service is hereby converted to an order of compulsory retirement. The respondents herein are directed to release the retiral benefits of the petitioner within a period of four months from the date of receipt of certified copy of this order, along with interest @ 6% per annum, failing which the respondents would be liable to pay the interest @ 9% per annum thereafter.”

Since the respondent was at fault and the procedure was scrupulously followed, the grant of interest was not warranted, but we do not find any error so far as the remaining reasoning is concerned. Consequently, we dispose of the present appeal with the modification that the appellants shall release the retiral benefits of the respondent, if not already done but it shall not carry any interest. The amount be released within three months from today.”

The reply was filed by the respondents. It is stated that matter with regard to Death-cum-Retirement Gratuity and Pension has been sent to the Treasury for alongwith calculation, the petitioner is required to complete certain formalities at Treasury Office for release of said amount. It has further been stated that payments towards General Provident Fund (GPF) and Group Insurance Scheme (GIS) have already been made.

Learned counsel for the petitioner states that arrears of pension have not been properly calculated.

In view of statement made, the present contempt petition is disposed of as infructuous with the direction to the respondent that on doing the needful at the end of petitioner, the Treasury shall release the amount expeditiously.

The petitioner would be at liberty to avail remedies as are available in accordance with law, if aggrieved of calculation.

[AVNEESH JHINGAN]
JUDGE

July 16, 2019

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