

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 1279 of 2019
Date of decision: 3.7.2019

Shyam Sunder Sharma

.. Petitioner

v.

A. Sreenivas and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jatin Kaushik, Advocate for the petitioner.
Mr. Sandeep S. Mann, Senior Deputy Advocate General,
Haryana.

...

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading that there is wilful disobedience of the order dated 5.12.2017 passed by this Court in CWP No. 27598 of 2017. The operative part of the order is reproduced below:

“3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No. 2- The Director General of Higher Education, Haryana, Shiksha Sadan, Sector 5, Panchkula to look into the grievance unfolded by the petitioner in his legal notice September 27, 2017 (P-5) and to take a conscious decision by passing a

speaking order as per rules and instructions issued by the Government from time to time within a period of four months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.”

On notice, it was informed to the Court that the petitioner refused to deposit his share of Contributory Provident Fund (for short, 'CPF') and therefore the matter is being delayed. The offer was made by the petitioner that his share of CPF may be adjusted from the amount to be paid to him from arrears of pension.

Learned counsel for the respondents on instructions from Naresh Kumar, Principal, Government College, Ajeli states that the respondents have agreed to deposit the share of CPF of the petitioner after adjusting the same from arrears of pension. He further states that the arrears after adjustment shall be released to the petitioner within six weeks from today.

At this stage, learned counsel for the petitioner states that in view of the statement made by learned counsel for the respondents, no cause of action survives, however he seeks liberty to raise his grievance in accordance with law if any cause of action arises with regard to calculation of the amount.

In view of the statement made, the present petition is disposed of as having been rendered infructuous. The rule issued is hereby discharged.

The petitioner would be at liberty to avail the remedies in

accordance with law in case there is any grievance with regard to calculation of the amount.

It is however clarified that in case the statement made on behalf of the respondents today in court is not honoured, the petitioner would be at liberty to revive the petition which shall be at the cost and responsibility of the defaulting official.

(AVNEESH JHINGAN)
JUDGE

3.7.2019

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No