

248

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCN No.2129 of 2019
Date of Decision: 27.08.2019

Harbans Singh Chahal

Petitioner

Versus

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

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P.K. Goklaney, Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading
wilful disobedience of order dated 04.12.2018 passed by this Court
in CWP No.23896 of 2013.

The relevant portion of the order is reproduced below:-

*“It is to be noticed that the application filed by
Sukhmander Singh seeking voluntary retirement was dealt with
at various levels of the department. The petitioner was given
the additional charge of District Education Officer. The
application of Sukhmander Singh was forwarded and
recommended by the Principal on the basis of office report
prepared by the concerned clerk and Superintendent. Even,
there is no explanation with regard to action taken and the
punishment awarded to Sukhmander Singh who held the
alleged fake degree. The Principal who recommended the case*

of the petitioner had expired on 31.10.2016, however, the department had not initiated any proceedings against him prior to his death. It is the department who appointed said Sukhmander Singh and had not verified his credentials and thereafter had recommended his case for voluntary retirement. The Court feels that the petitioner who was holding the additional charge, was made a scapegoat just to save the concerned delinquent officials. The impugned order is bad in law.

Keeping in view the above, the present petition is allowed. Consequently, the impugned order dated 19.07.2013 (Annexure P-14) is hereby set aside. The respondents are directed to grant the admissible relief in favour of the petitioner within a period of three months from the date of receipt of a certified copy of this order.”

Learned State counsel has produced letter dated 13.08.2019 sent by Accounts Officer, Indian Audit and Accounts Department, Office of the Accountant General (A&E), Punjab addressed to the District Treasury Officer, Abohar, District Fazilka, whereby decision of cut on pension has been taken back and the Treasury Officer has been asked to release the amount.

Learned State counsel, on instructions from Mr. Baljinder Singh Brar, Law Officer and Mr. Ram Singh, Senior Assistant, Office of D.P.I. (S.E.), Punjab, states that payment would be credited in the bank account of the petitioner within six weeks from today.

Learned counsel for the petitioner states that respondents may also supply the detailed calculation of the amount paid to the petitioner and in case petitioner is aggrieved of the said

calculation, he shall avail remedies in accordance with law.

Learned State counsel submits that calculation of the amount shall be provided to the petitioner within six weeks from today.

In view of statement made, contempt petition is disposed of as infructuous with liberty as prayed for.

In case statement made today in the Court is not adhered to, the petitioner shall be at liberty revive the contempt petition. In such circumstances, exemplary costs may be imposed which shall be personally recoverable from the defaulting officers.

The rule issued against the respondents stands discharged.

[AVNEESH JHINGAN]
JUDGE

August 27, 2019

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