

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No. 2252 of 2019
Date of decision: 19.8.2019

Om Parkash

.. Petitioner

v.

Karan A. Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Binat Sharma, Advocate for the petitioner.
Ms. Deepali Puri, Addl. Advocate General, Punjab.

...

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 12.3.2018 passed by this Court in RSA No. 4407 of 2014. The operative part of the said order is reproduced below:

“Short question for consideration in the present appeal is whether is there any delay in settlement of retiral benefits of the appellant or not?

2. Undisputed facts are that appellant had attained age of superannuation and retired from service on 31.05.2009 while holding the post of Divisional Head Draftsman in the BBMB while he was on deputation from the State of Punjab. His retiral benefits were settled in the month of February, 2010. It was bounden duty of the employer to prepare pension papers in advance before retirement of an employee. Thus, there is delay on the part of the State of Punjab in not settling appellant's retiral benefits within reasonable period of 3 months from the date of his retirement i.e. on or before 31.08.2009. Therefore, appellant is entitled to interest from 01.09.2009 till February, 2010 the date on which his retiral benefits have been settled @ 9% per annum. Above issue has not been apprised by both the courts below. Accordingly,

appeal stands allowed in part. Official respondents are hereby directed to pay interest @ 9% on all retiral benefits during the period from 01.09.2009 to February, 2010. Interest shall be calculated and disbursed within a period of 4 months from today.”

Learned counsel for the State on instructions from Mr. Dilbag Singh submits that interest @ 9% on the retiral benefits for the period from 1.9.2009 to February, 2010 has been calculated and sent for pre-audit. He further submits that the payment will be made within six weeks.

Learned counsel for the petitioner submits that alongwith payment, calculation would also be given to the petitioner.

In view of the statement made by learned counsel for the State, the contempt petition is disposed of.

In case the payment is not made within six weeks, the petitioner would be at liberty to revive the contempt petition and the revival would be at the cost and responsibility of the defaulting official. The respondents shall also supply the detail of calculation to the petitioner. In case of any grievance with regard to calculation, the petitioner would be at liberty to avail remedies in accordance with law.

(AVNEESH JHINGAN)
JUDGE

19.8.2019
mk

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