

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 2721 of 2019
Date of decision: 4.9.2019

Surjeet Singh

.. Petitioner

v.

Sh. S. K. Selvaraj and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D. S. Virk, Advocate for the petitioner.
Mr. Sandeep S. Mann, Senior DAG, Haryana.

...

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 8.12.2017 passed by this Court in CWP No. 4366 of 2017. The operative part of the said order is reproduced below:

“As already noticed hereinabove, the petitioner being out of service contrary to the provisions of Section 47 of the Disabilities Act, he would be entitled to the full salary for the period that he remained out of service, from the date he was relieved till the date he was reinstated. He would also be paid interest @ 6% per annum, thereupon. He would also be treated to have never remained out of service for the said period and thus it would not be treated as a period on extraordinary leave.

An order making payment of the arrears to the petitioner, as also treating him to be in service throughout the interim period, be passed by the competent authority within a period of 2 months from the date of receipt of a certified copy of this order.”

The brief facts necessary to be noted are that the petitioner met with an accident on 13.10.2013. As a result of injuries suffered, he was availing earned leave upto 28.1.2014. Thereafter for 85 days, he was sanctioned medical leave i.e. upto 23.4.2014. From 23.4.2014 till 23.1.2017, he was on extraordinary leave. On 24.1.2017, he was compulsorily retired. Aggrieved of the compulsory retirement, CWP No. 4366 of 2017 was filed. The prayer in the present contempt petition is that directions of this Court with regard to reinstatement and payment of arrears have not been complied with.

Advance copy of the contempt petition was served.

Notice of motion.

Mr. Sandeep S. Mann, Senior Deputy Advocate General, Haryana has accepted the notice and produced order dated 2.9.2019 whereby the petitioner has been reinstated and has been paid ₹3,51,003/- for salary and ₹15,758/- for interest. The same is taken on record. Copy thereof handed over to learned counsel for the petitioner.

Learned counsel for the petitioner states that arrears have not been correctly calculated as the same have been paid from 24.1.2017 onwards and the period for which the petitioner was on leave has not been considered for payment of arrears. He seeks liberty to avail remedies for redressal of the said grievance.

In view of the order produced today in court, the present contempt petition is disposed of as infructuous with liberty as prayed for.

(AVNEESH JHINGAN)

JUDGE

4.9.2019

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