

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**COCP No. 2822 of 2019**

**Date of decision: 13.11.2019**

**Kuldeep Singh**

**.. Petitioner**

**v.**

**Sh. Krishan Kumar and others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**Present: Mr. Sunny Singla, Advocate for the petitioner.**  
**Mr. Aditya Sharda, Assistant Advocate General, Punjab.**

...

**AVNEESH JHINGAN, J. (Oral)**

The petitioner filed a writ petition for release of the retiral benefits and claiming interest for the delayed payment.

On 22.1.2019, the writ petition was disposed of with a direction to the respondents to pass a speaking order on the legal notice dated 5.11.2018. The needful was to be done within three months from the date of receipt of certified copy of the order. Thereafter, if the petitioner was found entitled to the monetary benefits, the same were to be paid within three months. The needful was not done by the respondents, the petitioner was forced to file the contempt petition.

On 22.8.2019, learned counsel for the State sought time to have instructions, copies of the contempt petition were supplied.

On 4.11.2019, Clerk in the office of DEO (S), Sangrur was

present and made a statement that the legal notice has been decided and amount found due has been paid to the petitioner. He sought time to provide calculations of the amount found due.

Today Mr. Sarve Mittar Gupta, DEO (S), Sangrur is present in Court and has produced a calculation sheet for interest paid on gratuity. He has neither brought any detail of the amount found due and the payments made nor any order rejecting the claim of the petitioner with regard to interest on leave encashment, Group Insurance Scheme, arrears of salary and General Provident Fund.

It is a matter of routine that officials of the contemner-department have made it a habit not to give advance instructions to their counsel, rather they come in the Court in the morning itself when the case is fixed. A scenario is created that counsel for the State is rendered helpless in providing any assistance due to lack of instructions. Learned counsel for the State is not even in a position to verify or check the papers handed over to him in the Court.

Even today Mr. Sarve Mittar Gupta who has travelled all the way from Sangrur, not only he would be paid travelling allowance but his official work would suffer as he shall not be present on his seat. It would be pertinent to note here that he has travelled without relevant document and appropriate instructions to be given to the counsel.

Considering the attitude of the respondent-department with regard to the contempt proceedings, it would be appropriate that Principal Secretary to Government of Punjab, Department of Education, Punjab have a look into the problem and if so advised, he should determine whether such officials would be paid travelling allowance or not and responsibility

should be fixed for not providing the reply/instructions to the office of Advocate General, Punjab in advance.

At this stage, learned counsel for the State submits that details of calculation and the speaking order passed with regard to the claim of interest would be communicated to the petitioner within one week from today.

In view of the statement made, the contempt petition is disposed of. The petitioner would be at liberty to avail remedies available in accordance with law if aggrieved of the orders passed. In case the order and details of calculation are not provided within one week, the petitioner shall be at liberty to revive the contempt petition.

Copy of the order be sent to the Advocate General, Punjab; Secretary to Government of Punjab, Department of Education, Punjab and Chief Secretary, Punjab for necessary action.

**(AVNEESH JHINGAN)**  
**JUDGE**

13.11.2019  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |