

COCP No.1762 of 2020

Date of Decision : 15.12.2020

Lekh Raj

...Petitioner

Versus

Rajiv Arora and others

....Respondents

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present : Mr. Ranjit Saini, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

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**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Sections 10 & 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, is for initiating proceedings against the respondents for intentionally and willfully violating order dated 05.02.2020 in CWP No.22141 of 2016.
3. Learned counsel contends that vide order dated 05.02.2020, CWP No.22141 of 2016 was allowed with a direction to the respondents to count the service of the petitioner on *ad hoc* / daily wages, prior to the year 1993 and thereafter grant pension with arrears of pension to be paid from the date of retirement till date of actual payment within 02 months from the date of receipt of certified copy of the order along with 6% interest and in case, the arrears were not paid within 02 months then the said arrears would be payable along with interest @ 12%, after the expiry of 02 months.
4. Learned counsel fairly concedes that now the respondents have filed short reply by way of affidavit of Sh. G.D. Goel, Engineer-in-Chief, Public Works (B&R) Department, Haryana along with order (Annexure R-1) dated 06.11.2020 and Annexure R-2 dated 01.12.2020, releasing the benefits to the petitioner.

5. At this stage, learned State Counsel states that although vide order dated 05.02.2020, arrears of pension were to be paid within 02 months of the date of receipt of certified copy of the order along with 06% interest and in case, the arrears were not paid within said period of time then the same were to be paid along with interest @ 12% after the expiry of two months, yet vide order dated 05.10.2020 in CM No.9778-CWP of 2020 in CWP No.22141 of 2016, additional 03 months time was granted from 05.10.2020 to the respondents to make payment of arrears of pension along with interest @ 6% and accordingly, payment of arrears has been released to the petitioner in terms of judgment dated 05.02.2020 as modified vide order dated 05.10.2020.

6. Learned counsel for the petitioner states that in the circumstances, he does not press the contempt petition, and the same may be disposed of, as such with liberty to the petitioner to move an application for revival of the same, in case, payment has not been made in terms of judgment dated 05.02.2020 in CWP No.22141 of 2016.

7. The same is not opposed by learned State Counsel.

8. Accordingly, in the light of statement of learned counsel for the parties, the contempt petition is ***disposed of*** as not pressed, with the liberty, as prayed for.

(B.S. Walia)  
Judge

**December 15, 2020**

*'Rajneesh-Amit'*

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|-----------------------------------|---|---------------|
| <i>Whether speaking/ reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>         | : | <i>Yes/No</i> |