

COCP No.2268 of 2020

Date of Decision : 27.10.2020

Manjit Kaur

...Petitioner

Versus

Bhupinder Singh and another

....Respondents

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

Present : Mr. Virinder Kumar Shukla, Advocate for the petitioner.

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 Article 215 of the Constitution of India read with Sections 10 & 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for deliberately and willfully violating order (Annexure P-1) dated 28.02.2017 passed in CWP No.20584 of 2015 by not making payment of arrears of pay consequent upon the reinstatement of the husband of the petitioner in service with effect from the date of his termination, till date of rejoining service on reinstatement.
3. Learned counsel contends that vide order (Annexure P-1) dated 28.02.2017, CWP No.20584 of 2015 in case titled as 'Baru Masih and others versus State of Punjab and another', was disposed of while making it clear that the consequential relief / appropriate benefits be released to the petitioners within 03 weeks from the date of passing of the order but that despite lapse of sufficient period of time, needful has not been done despite

the husband of the petitioner having died and the petitioner having made a representation for release of the consequential benefits.

4. Notice to the respondents to show cause as to why proceedings under the Contempt of Court Act, 1971 be not initiated against them for non-compliance with the order of this Court dated 28.02.2017 in CWP No.20584 of 2015.

5. Mr. Aditya Sharda, AAG, Punjab, who is present, accepts notice on behalf of the respondents and on instructions from respondent No.2, states that consequential benefits would be released to the petitioner as per entitlement of her late husband within 02 weeks from today.

6. Learned counsel for the petitioner states that in case, respondent No.2 releases the consequential benefits to the petitioner as per the entitlement of her late husband within 02 weeks from today, petitioner would not press the contempt petition, at this stage and the same may be disposed of by granting the petitioner liberty to take out appropriate proceedings in accordance with law for payment of interest on the delayed release of payment despite order of this Court dated 28.02.2017 in CWPNo.20584 of 2015.

7. In view of the statement of learned counsel for the parties, the contempt petition is ***disposed of*** by directing respondent No.2 to release the consequential relief / appropriate benefits to the petitioner as per the entitlement of her deceased husband in terms of order dated 28.02.2017 in CWP No.20584 of 2015 within 02 weeks from today in terms of the undertaking given by respondent No.2 through the learned State Counsel.

accordance with law *qua* her claim for interest on the delayed release of payment despite order of this Court dated 28.02.2017 in CWP No.20584 of 2015.

8. It is also made clear that in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

October 27, 2020
'Rajneesh-Amit'

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