

COC-46-2021

Date of Decision: 08.02.2021.

R.P. Sangwan

...Petitioner

vs.

J. Ganeshan

...Respondent

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

Present: Mr. Sanjeev Kodan, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Learned counsel contends that despite order dated 09.10.2020 in CWP-16637-2020, directing the respondent-Director Elementary Education Haryana, to decide the representation submitted by the petitioner in the light of instructions contained in Office Memorandum dated 05.05.2008, within four weeks from the date of receipt of certified copy of the order and in case of, finding the petitioner entitled to any monetary benefits on decision of said representation, to release the same to the petitioner within one month thereafter, needful has not been done, and although financial benefits have been released to the petitioner but the same are without taking into account office memorandum dated 05.05.2008, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of order dated 09.10.2020 in CWP-16637-2020.

3. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated

against him for intentional and willful defiance of order dated 09.10.2020 in CWP-16637-2020.

4. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of the respondent and on instructions from the respondent states that the financial benefits were ordered to be released to the petitioner on consideration of the representation submitted by the petitioner, however, sanction of the Finance Department has been sought, for paying interest on the retiral benefits, and same would be received within two weeks whereafter, payment of interest would be made to the petitioner.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as such at this stage with directions to the respondent to adhere to the assurance held out through the learned Addl. AG, Haryana and to ensure decision of the representation of the petitioner in the light of instructions contained in office memorandum dated 05.05.2008 and release the financial benefits on account of interest on the retiral benefits in terms of instructions dated 05.05.2008, within time to be stipulated by this Court while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case, so warrant.

6. Accordingly, in the light of the position as noted above as also statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing the respondent i.e. Director Secondary to ensure decision on the representation of the petitioner in the light of office memorandum dated 05.05.2008, within four weeks from today and in case of finding the petitioner entitled to any further

financial benefits including interest, to release the same to the petitioner within two weeks thereafter. Needless to mention, 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

08.02.2021

'Rajesh-PS'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No