

**129 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**(1) COCP No. 892 of 2021 (O&M)
Date of Decision: 10.11.2021**

Ajit Singh and othersPetitioners

Versus

Seema Jain and anotherRespondents

(2) COCP No. 897 of 2021 (O&M)

Rajwinder Singh and othersPetitioners

Versus

Manpreet Singh and anotherRespondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Surinder Garg, Advocate,
for the petitioners (in COCP No. 892 of 2021).

Mr. Mohit Jaggi, Advocate,
for the petitioners (in COCP No. 897 of 2021).

MAHABIR SINGH SINDHU. J.

This order shall dispose off above contempt petitions filed under Article 215 of the Constitution read with Section 12 of the Contempt of Courts Act (for short “the Act”) for the alleged disobedience of the common order dated 25.03.2015 (P-1), passed in CWP No. 21009 of 2014, titled as “**Subjinder Singh and others Versus State of Punjab and another**”.

2. It transpires that while deciding the above writ petition, respondents were directed in the following manner:-

“Although the amount of pension as claimed in the petition has been released to the petitioners but delay is there. The present

petition is disposed of with a direction to the respondents to ensure that the pension be released to the petitioners and other similarly situated employees within a period of 15 days when it becomes due, failing which the petitioners shall be entitled for interest @ 9% p.a. on the delayed payment.”

3. Perusal of the above extract of the order reveals that respondents were directed to ensure that pension of petitioners along with other similarly situated employees shall be released within a period of 15 days when it becomes due and in case of failure, petitioners were held entitled for interest @ 9 % per annum on the delayed payment. As averred in the petitions, there was a failure on the part of respondents, therefore, that led to initiation of present contempt proceedings.

4. Paper books reveal that on 24.08.2021, the Coordinate Bench passed following order:-

*“Learned State counsel, on instructions, from Mr. Manpreet Singh, Director Panchayat, requests for a short adjournment to submit compliance report by stating that pension for the month of April, 2021 has been released to the petitioner while pension for the months of June and July, 2021 would be released by 25.08.2021 and she would also file an undertaking by way of affidavit of the concerned respondent that the pension would be paid to the petitioners every month hereafter within the 1st week of each month. Learned State counsel also undertakes to ensure release of outstanding pension payment to petitioner No.6 and 55 by the next date.
Adjourned to 06.09.2021.”*

5. In pursuance of the above order, an affidavit dated 21.09.2021 of Sh. Manpreet Singh, Director, Rural Development & Panchayat, Punjab was filed and paragraphs No.2 to 5 thereof read as under:-

“ 2. That in compliance of the aforesaid order, the pension for the months of June, July and August has been released to all pensioners of Samities and serious endeavour would be made that the pension would be paid in future to the petitioners every month hereafter within the second week of each month. The copy of bills and Bank statement are annexed as Annexure R-1, R-2 and R-3. In respect of outstanding pension of petitioner No.6 and 55, it is submitted that earlier the pension/family pension were disbursed through Banks. Now with the demands of the retirees, the same is released through the Govt. Treasury. For this purpose a copy of Aadhar Card, Pan Card, PPO No., Bank Account Details etc. of the petitioners is required for making UAID being necessary for releasing pension/family pension by the Treasury and which have to be submitted by the petitioners. The office has made the request to the respondent No.6 and 55 for submitting the above said documents but they have failed to submit the above mentioned documents. After submitting the above said document by the respondents No.6 and 55, the outstanding pension arrears would be released.

3. It is brought to the notice of this Hon’ble Court that the pension of Samities retired employees can be released if the liquor Tax grant is available and the Government has not granted any special grant for releasing the pension to the retired Samities employees. The order dated 24.08.2021 passed by this Hon’ble Court in the present contempt petition has been complied with.

4. That is it pertinent to mention here that the Department of the deponent at present is getting only 120 crores as liquor tax grant for the salaries and pension of the Samiti Employees from the Finance Department, where as the Department of the deponent has requested to enhance its share from 120 crores to 160 crores. This demand is pending with the FD. The copy of request is annexed as Annexure R-4.

5. That the deponent holds this Hon’ble Court in the highest esteem and cannot even think of violating/disobeying the order of this Hon’ble Court. For any lapse on the part of deponent, the deponent tenders unconditional and unqualified apology and undertakes to take corrective steps as per the directions of this Hon’ble Court.”

6. As per the averments made in paragraph No.2 of the affidavit, pension for the months of June, July & August has already been released in favour of the petitioners, except No.6 & 55 as both these petitioners did not submit requisite documents. This paragraph further reveals that for future, sincere efforts shall be made for payment of pension to the petitioners by second week of every month. Again in paragraph No.5, the deponent has specifically undertaken for adopting corrective steps as per the directions of this Court.

7. At the same time, it is very curious to notice that respondents are wholly dependent for payment of pension on the basis of their share from liquor tax. According to averments made in paragraph No.4 of the affidavit, against the demand of Rs.160 crores, an amount of Rs.120 crore was released by the Finance Department and request dated 20th, September, 2021 is still pending for consideration.

8. Although, the issue regarding generation of revenue from liquor tax (excise duty/licence fee) for pensionary benefits is of utmost importance, but since these are the contempt proceedings, therefore, this Court does not deem it appropriate to delve further in the matter except to remind the respondents about Articles 37 & 47 contained in Part-IV (Directives Principles of the State Policy) of the Constitution, which read as under:-

“Article 37-Application of the principles contained in this part. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

“Article 47-Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injuries to health.”

9. As agreed by both sides, the pensionary benefits upto the month of September, 2021 have already been released in favour of petitioners and the deponent has undertaken for corrective measures for the future.

10. Since there is no deliberate disobedience on the part of the respondents, therefore, it would not be appropriate to proceed further in the matter. However, at the same time, it is made clear that the respondents shall be bound by their undertaking given in the affidavit dated 29.09.2021 for faithful compliance of the directions dated 25.03.2015.

With the above observations, both the contempt petitions are disposed off.

A copy of this order be sent to the Chief Secretary, Government of Punjab for information and necessary action by the concerned quarter.

November 10th, 2021

SN

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>