

COCN No.1574 of 2021

Date of Decision : 02.08.2021

Mahinder Kaur

...Petitioner

Versus

Krishan Kumar and others

...Respondents

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

Present : Mr. Shakti Mehta, 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. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondents for non-compliance with order dated 17.09.2019 in CWP No.26242 of 2019.
3. Learned counsel contends that vide order dated 17.09.2019, CWP No.26242 of 2019 was disposed of by passing the following order:-

“ Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 29.06.2019 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 29.06.2019 (Annexure P-7), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

4. Learned counsel contends that the instant petition has been filed on account of intention and willful defiance of the aforementioned order.

5. Notice to respondent No.4 only to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him.

6. Ms. Deepali Puri, learned Addl. A.G., Punjab, accepts notice on behalf of respondent No.4 and has placed on record copy of order dated 22.07.2021, accepting the claim of the petitioner as prayed for by her in legal notice dated 29.06.2019 qua gratuity on the basis of regular service, while rejecting the claim for treating the case under the Old Pension Rules. The same is taken on record. Copy therefore supplied to 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, while directing the respondents to release the payment as per entitlement decided by respondent No.4 in a time bound manner, while leaving it open to the petitioner to challenge order dated 22.07.2021 *qua* the claim which had been rejected as also for seeking interest on the delayed payment of gratuity.

7. I have considered the submissions of learned counsel for the parties and am of the considered view that on account of order dated 22.07.2021 having been passed by respondent No.4, deciding the claim made by the petitioner in legal notice dated 29.06.2019, qua gratuity on the basis of length of regular service, while rejecting the claim for treating

the case under the Old Pension Rules, there is sufficient compliance with order dated 17.09.2019, in CWP No.26242 of 2019, therefore no action is called for against the respondents under the Contempt of Courts Act, 1971.

8. Accordingly, the contempt petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while directing respondent No.4 to release the payment to the petitioner as per entitlement determined vide order dated 22.07.2021 within 04 weeks from today. Liberty is also granted to the petitioner to challenge order dated 22.07.2021 to the extent of claim for interest on the delayed payment of gratuity w.e.f. the date of entitlement till date of payment of the same, as also to challenge rejection of claim for treating the case of the petitioner under the Old Pension Rules.

09. Petition *disposed of* with the aforementioned directions.

10. *Rule discharged.*

(B.S. Walia)
Judge

02.08.2021

'Rajneesh'

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