

CM No.9746-CII of 2021 in/and
COCP No.1590 of 2021
Date of decision: 08.10.2021

Nanda Wallabh

.... Petitioner

Versus

Dharampal Singh

.... Respondent

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

Present: Mr. M.M. Pandey, Advocate for the petitioner.
Ms. Roja Agnihotri, Advocate for the respondent.

B.S. Walia, J. (Oral)

[1] Prayer in the instant application is for permission to withdraw the contempt petition on account of compliance of order dated 24.11.2020 in CWP No.9657 of 2020 by the respondent.

[2] The contempt petition was filed for initiating action against the respondent for intentionally and willfully disobeying order dated 24.11.2020 in CWP No.9657 of 2020.

[3] Learned counsel contends that CWP No.9657 of 2020 was disposed of vide order dated 24.11.2020 by taking into account that the entire amount due to the petitioner had been paid, however, the last installment had been paid only on 22.10.2020, therefore, respondent No.3 was directed to pay interest @ 9% per annum on the balance amount paid on 22.10.2020, 6 months from the date the petitioner retired from service on attaining the age of superannuation, besides, the petitioner was granted liberty to submit a representation before the authority with regard to claim on account of delay in payment of remaining amount as well which was to

be decided by passing a speaking order within three months from the date of receipt of the representation.

[4] Learned counsel contends that representation was submitted by the petitioner on 30.11.2020, but on failure of the respondent to decide the same, the instant petition was filed but now representation dated 30.11.2020 has been decided and the petitioner released a sum of Rs.85,970/- on account of payment of interest accrued on account of delay in the release of retiral benefits, therefore the petitioner is not interested in pursuing the contempt petition and the same may be disposed of as such.

[5] Learned counsel appearing on behalf of the respondent contends that payment could not be made to the petitioner on account of circumstances beyond the control of the respondent, but now the representation dated 30.11.2020 submitted by the petitioner has been decided and a sum of Rs.85,970/- on account of payment of interest accrued due to delay in release of retiral benefits, has been paid to the petitioner, therefore, no further action is called for under the Contempt of Courts Act, 1971.

[6] I have considered the submissions of learned counsel for the parties.

[7] Admittedly, in terms of order dated 24.11.2020 in CWP No.9657 of 2020, the respondent has taken a decision on the representation submitted by the petitioner on 27.09.2021 and has also released a sum of Rs.85,970/- on account of payment of interest for the delay in the release of retiral benefits to the petitioner.

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[3]

statement of learned counsel for the petitioner, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971.

[9] Rule discharged.

(B.S. Walia)
Judge

08.10.2021
'Amit'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No