

COCN-414-2020

Date of Decision :22.03.2022

Santosh Sehrawat

...Petitioner

versus

Sudhir Rajpal

....Respondent

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

Present : Mr.Madan Pal, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

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 is for initiating proceedings against the respondents for intentional and willful defiance of order Annexure P/1 dated 02.07.2019, in CWP-5782-2016.
3. A perusal of order Annexure P/1 dated 02.07.2019 reveals that CWP-5782-2016, was allowed by directing the period from 18.11.1988 till 30.06.1991, to be treated as qualifying service for the purpose of counting pensionary benefits. It was further mentioned that since the petitioner had approached the Court only in the year 2014, she would not be entitled to any interest on payment she would be found entitled on grant of pensionary benefits.
4. Learned counsel contends that the instant petition was filed on account of failure of the respondents to do the needful.

attached along with the reply, as per which, period of 10 years, 7 months and 13 days has been treated as qualifying service for grant of pensionary benefits. Learned counsel further refers to Annexure R/2, as per which, payment of pension has commenced w.e.f. 01.07.2012. Learned DAG contends that order dated 02.07.2019, in CWP-5782-2016, having been complied with, no action under the Contempt of Courts Act, 1971, is called for against the respondent.

6. Learned counsel for the petitioner contends that in view of orders Annexure R/1 and R/2, the petitioner does not wish to press the instant petition and the same may be disposed of as such while granting liberty to the petitioner to challenge order Annexure R/2, by way of appropriate proceedings, in accordance with law to the extent it restricts entitlement of pension w.e.f. 01.07.2012,.

7. The same is not opposed to by the learned DAG.

8. Accordingly, in the light of the position noted above as well as 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, while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

22.03.2022
rajesh

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