

[134] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.367 of 2022

Date of Decision : 04.04.2022

Kiran Bala

...Petitioner

Versus

Kakumanu Siva Prasad, Secretary, Department of
Transport, Chandigarh and others

....Respondents

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

Present : Mr. Harnek Singh, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating action against the respondents for intentional and willful defiance of order (Annexure P-1) dated 01.09.2021 in CWP No.16965 of 2021.

[2] A perusal of order (Annexure P-1) reveals that the prayer therein was for directing the respondents to send the case of the petitioner for recalculation of pension after adding five years of service as per Punjab Civil Services Rules Vol. II, Chapter IV Sub Clause-IV in respect of which legal notice dated 05.01.2021 had also been served upon the respondent authorities.

[3] The aforementioned writ petition was disposed of by directing the respondent authorities to consider legal notice dated 05.01.2021 as representation of the petitioner and to decide the same in accordance with law by passing a speaking order, preferably within 01 month from the date of passing of the order and in case it was found that the petitioner was entitled for the relief claimed and there was no impediment in the grant of the same, to release the same to her as per law

[4] Although, notice has yet not been issued in the instant case, learned AAG, Punjab, has produced copy of order dated 28.09.2021 passed by respondent No.3, ordering grant of benefit of 05 years service in the superannuation pension to the petitioner in accordance with Rule 4.2(4) of the Punjab Civil Services Rules Vol-2. Translated as well as vernacular version, dated 28.09.2021 is taken on record and copy thereof supplied to learned counsel for the petitioner.

[6] Learned AAG, Punjab on instructions from *Shri Neeraj Kumar, Law Officer, Punjab Roadways Shaheed Bhagat Singh Nagar*, further states that benefits as per entitlement determined vide order dated 28.09.2021 have been released to the petitioner.

[7] Learned counsel for the petitioner states that in view of the position noted above, as well as statement of learned State Counsel that all the financial benefits determined as per entitlement in terms of order dated 28.09.2021 have been released to the petitioner, he does not press the instant petition.

[8] Accordingly, in view 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 respondents under the Contempt of Courts Act, 1971. However, liberty is granted to the petitioner to move an application for revival of the contempt petition in case cause survives.

(B.S. Walia)
Judge

04.04.2022
'Rajneesh'

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