

COCp-461-2022

Date of Decision : 14.07.2022

Gurmukh Singh

...Petitioner

versus

Varinder Kumar Kochhar and ors.

....Respondents

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

Present : Mr. Harbans Sharma, Advocate for the petitioner.

Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 11.11.2021, in CWP-22867-2021.

2. A perusal of order Annexure P-1 dated 11.11.2021, reveals that the writ petition was filed for the issuance of directions to the official respondents to grant retiral dues of the petitioner on his retirement i.e. 31.03.2018 whereupon notice of motion was issued to the official respondents i.e. State of Punjab, Registrar, Deputy Registrar and Assistant Registrar, Cooperative Societies. No notice was issued to The Killianwali Multipurpose Cooperative Agriculture Service Society Ltd. Kallianwali, Tehsil Malout, District Sri Muktsar Sahib. Thereafter, the writ petition was disposed of after hearing learned counsel for the petitioner as well as learned DAG, by directing the official respondents to consider representation dated 03.01.2020 as well as legal notice dated

accordance with law, by passing a speaking order, preferably within one month from the date of receipt of certified copy of the order and if the petitioner was found entitled and there was no impediment, to release payment to the petitioner as per law without any delay.

3. On 21.03.2022, by taking note of the submissions of learned counsel for the petitioner that despite certified copy of order dated 11.11.2021, in CWP-22867-2021, having been served on the respondents on 17.01.2022, no decision had been taken on legal notice dated 26.07.2021, whereupon, notice was issued to respondent No.2 to show cause as to why proceedings be not initiated against her.

4. Today, learned AAG, Punjab, has filed short reply by way of affidavit of Ms. Shinaaz Mittal, Assistant Registrar, Cooperative Societies, Malout along with speaking order Annexure R/1 dated 17.12.2021, holding the petitioner entitled to release of financial benefits on account of dues of gratuity, leave encashment and outstanding salaries etc., with the payment in respect of the same to be made by the society to the petitioner out of its funds.

5. Learned AAG, Punjab, states that the petitioner is not employee of the official respondents but of The Killianwali Multipurpose Cooperative Agriculture Service Society Ltd. Kallianwali, Tehsil Malout, District Sri Muktsar Sahib plus the directions in the order Annexure P/1 was to the official respondents to consider and decide the claim of the petitioner, and the same has been considered and decided. Learned AAG states that payment was to be made in case the petitioner was found entitled and there was no impediment for the release of the

same, whereas in the instant on account of the petitioner not being the employee of the official respondents but of the society, payment cannot be released by respondent No.2 and the same can only be released by the society out of its funds. Learned AAG, Punjab, further states that the direction to the official respondent to consider and decide the claim vide order Annexure P/1 stands complied with, therefore, no action under the Contempt of Courts Act, 1971, is called for against respondent No.2.

6. Faced with the aforementioned situation, learned counsel for the petitioner requests for permission to withdraw the instant petition with liberty to take out appropriate proceedings in accordance with law, to seek release of payment as determined by respondent No.2 from The Killianwali Multipurpose Cooperative Agriculture Service Society Ltd. Kallianwali, Tehsil Malout, District Sri Muktsar Sahib.

7. 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 respondent No.2 under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

8. Rule discharged.

(B.S. Walia)
Judge

14.07.2022
rajesh

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