

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

COCN No.915 of 2020
Date of Decision :10.11.2022

Hawa Singh ...Petitioner

versus

Sudhir Rajpal, IAS, Financial Commissioner
& Secretary to Development & Panchayat
Department, Haryana and othersRespondents

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

Present : None for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiation of proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 26.07.2018, in CWP No.18282 of 2018 in case titled as '**Hawa Singh versus State of Haryana and others**'.

[2] A perusal of order (Annexure P-1) reveals that CWP No.18282 of 2018 was disposed of by directing the respondents to consider the case of the petitioner as contained in legal notice dated 15.05.2018 within two months from the date of receipt of certified copy of the order and in case the authority came to the conclusion that the petitioner was entitled to the relief set out in the legal notice to calculate the same and release payment thereof to him within period of next one month.

[3] Reply dated 22.08.2022 has been placed on record on behalf of respondent No.3. Copy is stated to have been furnished to learned counsel for the petitioner.

matter, none was present on behalf of the petitioner on 24.08.2022, while on 26.09.2022, none was present on behalf of the petitioner on account of lawyers abstaining from work due to call given by the Bar Association of this Court. In the circumstances, no useful purpose would be served by adjourning the case.

[5] Learned DAG, Haryana, states that the respondents were very keen to decide the claim of the petitioner and to release the benefits payable to him but the petitioner did not produce No Due Certificate from the earlier department where he was serving i.e. Municipal Committee prior to his being inducted into the Panchayat Department, despite request by the respondent, resultantly, no decision could be taken on the claim of the petitioner for release of financial benefits.

[6] Learned DAG, Haryana, states that in case No Due Certificate is submitted by the petitioner from his earlier department, i.e. Municipal Committee, the claim of the petitioner would be processed and benefits as admissible to the petitioner released expeditiously and that in the circumstances, no cause survives to continue with the instant proceedings.

[7] I have considered the submissions of learned DAG, Haryana.

[8] Admittedly, direction in order (Annexure P-1) was to the respondents to decide the claim of the petitioner as contained in legal notice dated 15.05.2018 and in case the authority came to the conclusion that the petitioner was entitled to the relief set out in the legal notice to calculate the admissible benefits and release payment thereof to the petitioner within a period of next one month.

[9] As per the reply, the respondents are unable to decide the claim of the petitioner as despite intimation to him, No Due Certificate had not been submitted by the petitioner from his previous department i.e. Municipal Committee.

[10] Accordingly, in the light of the position noted above, I am of the considered view that in the absence of the petitioner having completed the formalities as was necessary for processing of his claim as contained in legal notice dated 15.05.2018, no action under the Contempt of Courts Act, 1971 is called for against the respondents. Contempt petition is accordingly *disposed of* as such, while granting liberty to the petitioner to complete the formalities by submission of No Due Certificate from his previous department i.e. Municipal Committee. In case, the No Due Certificate is submitted by the petitioner as required by the respondents, the same would be processed and payment as per entitlement determined by passing a speaking order within two weeks and payment as determined as admissible released to the petitioner within a period of two weeks thereafter, failing which, the same would be payable along with interest @ 6% per annum with effect from the date of entitlement till the date of actual payment.

(B.S. Walia)
Judge

10.11.2022

'Rajneesh'

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