

COCp-1402-2021 (O&M)

Date of Decision : 10.11.2022

Sucha Singh

...Petitioner

versus

K. Siva Parsad and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Tahaf Bains, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, 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-2 dated 24.08.2020 in CWP-12560-2020.

2. A perusal of order Annexure P-2 reveals that while issuing notice of motion in CWP-12560-2020 for 27.10.2020, operation of impugned order dated 30.01.2019/05.02.2019 was ordered to remain stayed till the next date of hearing. A perusal of record reveals that order dated 30.01.2019/05.02.2019 was with regard to cut of 5% in the pension imposed by the competent Authority.

3. Learned AAG, Punjab, refers to paragraph No.3 of the reply filed by respondent No.1 to contend that in pursuance of order dated 23.02.2021 in CWP-12560-2020, the Registrar Cooperative Societies, Punjab sent the Pension revision case to the office of the Accountant General (A & E) on 02.08.2021 after ordering removal of 5% cut which was imposed as per the Department's order dated 30.01.2019/05.02.2019. Learned State counsel also refers to Annexure R-3/3 dated 05.08.2021 i.e. communication from the Sr. Accounts Officer, office of the Accountant General (A&E), Punjab & U.T. Chandigarh to the Distt. Treasury Officer, Shaheed Bhagat Singh Nagar, that orders with regard to cut of 5% of pension of the petitioner be withdrawn till further orders in CWP-12560-

2020 and as a result thereof, full pension of Rs.15240/- per month be

paid to the petitioner till further orders. Copy of the reply is stated to have already been supplied to learned counsel for the petitioner.

4. Learned counsel for the petitioner states that in the circumstances he does not press the instant petition but prays for grant of liberty to the petitioner to move an application before the respondents in case any payment is outstanding.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, order Annexure P-2 dated 24.08.2020 in CWP-12560-2020 has been complied with and full pension which the petitioner was drawing prior to passing of order dated 30.01.2019/05.02.2019 has been restored and he is being paid full pension of Rs.15240/- subject to final orders in CWP No.12560-2020.

7. In view of the position noted above, as well as statement of learned counsel for the parties, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

8. Rule discharged.

(B.S. Walia)
Judge

10.11.2022

ps

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