

COC-1917-2020

Date of Decision :16.05.2022

Dal Chand

...Petitioner

Versus

Rishi Kumar and anr.

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Satish Chaudhary, Advocate for the petitioner.
Mr. A.K. Ahuja, Advocate for the respondents.

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P/1 dated 15.01.2020 in CWP No.1011 of 2020 in case titled as Dal Chand vs. State Bank of India and Ors.

[2] A perusal of order, Annexure P/1 reveals that CWP No.1011 of 2020 was disposed of by directing respondent No.1 to decide legal notice dated 14.11.2019 by passing a speaking order within three months from the date of receipt of certified copy of the order and in case on decision, it was found that the petitioner was entitled to any monetary benefit, the same be released to him within three months thereafter.

[3] Notice was issued in the instant case on 22.09.2020.

[4] Learned counsel appearing for the respondents refers to communication, Annexures R/1 and R/2 addressed to the petitioner dated 14.08.2020 and 11.12.2020 respectively informing him of his not being entitled to gratuity on account of the same having been forfeited by the competent authority as also of his not being entitled to pensionary

benefits in terms of Claus 22 of the State Bank of Patiala Pension Regulation, 1995. Learned counsel further states that the respondents would furnish copy of order forfeiting gratuity, to the petitioner within two weeks from today by registered post.

[5] Learned counsel for the petitioner states that in the circumstances, the petitioner does not press the instant petition and may be permitted to withdraw the same while granting liberty to the petitioner to challenge order forfeiting gratuity as well as the decision rejecting the claim for pensionary benefits by way of appropriate proceedings in accordance with law.

[6] In view of the position noted above as well as statement of learned counsel for the petitioner, the contempt petition is disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while directing respondent No.1 to dispatch copy of order forfeiting gratuity to the petitioner by registered post at the address as is given in the instant petition within three weeks from today while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

16.05.2022

'Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>