

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

COCN No.2833 of 2019

Date of Decision : 14.07.2022

Harminder Singh s/o Shri Jagdish Singh and others ...Petitioners
versus
Anil Arora, Controller (Finance and Accounts),
Director General of Police, Punjab and othersRespondents

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

Present : Mr. Govind Tanwar, Advocate for
Mr. Kanwal Goyal, Advocate
for the petitioners.

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

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 01.03.2019, in CWP No.5692 of 2019 in case titled as 'Harminder Singh and others versus State of Punjab and others'.

[2] A perusal of order (Annexure P-1), reveals that although CWP No.5692 of 2019, was disposed of by directing the competent authority to consider the claim of the petitioners and to take necessary steps in respect thereto at the earliest and in case of inordinate delay, the petitioners were to be paid costs of Rs.10,000/- with the same to be deduced from the salary of the officer(s) responsible.

[3] Speaking order (Annexure R-1) has been passed on 21.04.2020. Learned Asstt. AG, Punjab, by referring to the same contends that payment was made to the petitioners of contributions with regard to contributory provident fund in accordance with order Annexure P/1.

[4] A perusal of order (Annexure R-1) reveals that payment only to Constable Harminder Singh at Serial No.1 was released on 24.05.2019 while to the rest, it was released much later i.e.in October / November 2019 and thereafter, therefore, by no stretch of imagination, it can be said that the payment as per entitlement was released at an early date.

[5] Learned counsel for the petitioners states that although the contributions of Contributory Provident Fund has been released to the petitioners, yet the same is after a lot of delay, therefore, the petitioners are entitled to interest on the same but no decision has been taken qua the same despite claim in respect thereto.

[6] Learned counsel for the petitioners states that in the circumstances, the petitioners do not press the instant petition and may be permitted to withdraw the same with liberty to challenge the denial of interest on the delayed release of contributions to the Contributory Provident Fund by way of appropriate proceedings in accordance with law.

[7] In view of the position noted above, as well as statement of learned counsel for the petitioners, 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 petitioners as prayed for.

[8] Needless to mention, since perusal of order (Annexure R-1) reveals inordinate delay in release of payment to the petitioners, the petitioners are held entitled to payment of costs of Rs.10,000/- in terms of order dated 14.01.2019 in CWP No.29907 of 2018. The same be remitted

to the petitioners by way of demand draft within 04 weeks from today, failing which, it would be open to the petitioners to move an application for revival of the instant petition.

(B.S. Walia)
Judge

14.07.2022
'Rajneesh'

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