

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**COCp-331-2020 (O&M)
Date of decision: 25.07.2023**

Sukhvinder Kaur

...Petitioner

Versus

Raj Shree Khare and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parth Goyal, Advocate
for the petitioner.

Mr. C. S. Singhal, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 04.04.2019 passed in CWP-18727-2012, vide which, while disposing of the writ petition, the following directions were issued:

“4. In the premise, the very ground taken by the petitioner, to seek quashing of termination, does not survive as there is no requirement of a Lecturer (Sanskrit), due to inadequate number of students. In the circumstances, the present writ petition is disposed of with a direction to respondent-college to make sure that the entire arrears of salary are disbursed to the petitioner with interest @ 8% per annum w.e.f. the due dates till actual payment.

5. Learned counsel for the petitioner submits that the details of arrears have already been provided in para 8 of the writ petition. Respondents may look into the same at the time of making the necessary calculation towards the arrears of pay, as directed above.

6. Disposed of accordingly.”

Surprisingly, the writ Court never tried to do an exercise as to what amount is payable to the petitioner, qua which, the respondents would have been held guilty under Contempt of Courts Act for not making the payment to the petitioner, however, it was left open for the respondents that they will make the payment, in terms of para 8 of the writ petition.

While disposing of the writ petition, the primary duty of the writ Court was to pass a specific order as to how much amount was payable to the petitioner and once this discretion is left with the respondents-department, this Court has no other option but to accept the calculations given by the respondents by way of an affidavit of the Principal, Maharana Pratap National College, Mullana, Ambala, which is filed today in Court. In the affidavit, an amount of Rs. 1,60,000/-, as approved by the Director Higher Education, Haryana, is shown payable to the petitioner.

In view of the above, no case of any willful disobedience is made out against the respondents.

Accordingly, the present contempt petition is dismissed.

Rule stands discharged.

25.07.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No