

202 (8 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. COC-2230-2019 (O&M)
Date of Decision:17.11.2023

K.C. ARORA AND OTHERSPetitioners
V/s.

TVSN PRASAD, IAS, ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT OF HARYANA, FINANCE DEPARTMENT, HARYANA
CIVILY SECRETARIAT AND OTHERSRespondents

2. COC-2284-2020 (O&M)

SATYA PAL GOYAL AND OTHERSPetitioners
V/s.

TVSN PRASAD, IAS, ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT OF HARYANA, FINANCE DEPARTMENT, HARYANA
CIVILY SECRETARIAT AND OTHERSRespondents

3. COC-2217-2019 (O&M)

RAJESH SHARMA AND OTHERSPetitioners
V/s.

TVSN PRASAD, IAS, ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT OF HARYANA, FINANCE DEPARTMENT, HARYANA
CIVILY SECRETARIAT AND OTHERSRespondents

4. COC-2909-2019 (O&M)

SOM KUMAR GUPTA AND ANOTHERPetitioners
V/s.

ANURAG RASTOGI, IAS, FINANCIAL COMMISSIONER AND PRINCIPAL
SECRETARY, DEPARTMENT OF IRRIGATION, HARYANA AND OTHERS
.....Respondents

5. COC-47-2021 (O&M)

S.P. GUPTAPetitioner
V/s.

TVSN PRASAD, IAS, ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT OF HARYANA, FINANCE DEPARTMENT, HARYANA
CIVILY SECRETARIAT AND OTHERSRespondents

6. COCP-411-2021 (O&M)

SANTOSH BHARDWAJ

.....Petitioner

V/s.

ALOK NIGAM, ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF
HARYANA AND OTHERS

.....Respondents

7. COCP-935-2019 (O&M)

L.K. SEHDEV AND OTHERS

.....Petitioners

V/s.

ANURAG RASTOGI, IAS, FINANCIAL COMMISSIONER AND PRINCIPAL
SECRETARY, DEPARTMENT OF IRRIGATION, HARYANA AND
ANOTHER

....Respondents

8. COCP-1194-2020 (O&M)

VINOD KUMAR ARORA AND OTHERS

.....Petitioner(s)

V/S

W.S. GOYAT, IAS, (SECRETARY IRRIGATION), PRINCIPAL SECRETARY
TO GOVT. OF HARYANA, IRRIGATION DEPARTMENT, HARYANA AND
OTHERS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. S.P. Laler, Advocate, for the petitioners in COCP-2230-2019,
COCP-2217-2019, COCP-2284-2020 and COCP-2021.

Mr. Karan Bhardwaj, Advocate for the petitioners in
COCP-935-2019 and COCP-1194-2020.

Mr. Ravi Dutt Sharma, DAG, Haryana.

Mr. H.S. Oberoi, Advocate for the CAG in COCP-411-2021

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This order shall dispose of 8 connected Contempt Petitions as
the issue involved in both the Contempt Petitions is common.

2. The petitioners have filed these Contempt Petitions for
compliance of the order passed in their respective Writ Petitions.

3. It is stated that the Writ Petition was allowed by the Court in terms of the judgment passed in case of W.C. Goyat. The Contempt Petition has also been filed by the S.P. Gupta which states that the Writ Petition was also disposed of in terms of the judgment passed in W.C. Goyat's case and as W.C. Goyat was granted benefit of compound interest on account of late payment, petitioners too are entitled for compound interest as the payments have been released after a considerable time.

4. Learned counsel for the contemnors submits that the benefits, as envisaged in the order passed in favour of the petitioners, have been released in total. The leave encashment and arrears thereto have been also revised. The pension has also been revised and interest on the arrears on account of revision has also been paid in terms of the Rules.

5. Learned counsel for the contemnors submits that as there is no specific order passed in the Writ Petitions for granting the compound interest on account of delay in payments, therefore, the compound interest is not been payable to the petitioners.

6. In COCP-411-2021, learned counsel for the contemnors submits that while the dues have been released in total, interest on the pension is processed for approval and the same shall also be released to her and the amount shall be deposited in the said account. In case of S.P. Gupta, it has been submitted that the Court had only directed for allowing the Writ Petition in the same terms as of W.C. Goyat, while in the case of W.C. Goyat, the Court specifically directed that the petitioners therein shall be entitled to arrears of pay and other retiral benefits as per the judgment passed in the case of S.P. Sood's case. Therefore, while granting benefit to W.C. Goyat, the

authorities have granted compound interest for the delayed payment, but in absence of any direction similar to W.C. Goyat (Supra), the petitioner in S.P. Sood's case, cannot claim interest over interest i.e. compound interest merely because the Writ Petition has been decided in terms of W.C. Goyat's case.

7. Learned counsel for the contemnors submits that the State Government has however, paid the interest on the arrears of S.P. Gupta and the sanction of interest on payment of pension has also been granted by the State Government on 14.11.2023 and the payment shall be deposited in his account shortly. It is further stated that the pay has been revised, the leave encashment has also been revised and the arrears have been deposited in the account of the petitioner. The pension has also revised but the interest on the pension although accorded by the Government, shall be deposited in his account. Nothing further is required to be given as there are no positive directions to pay the compound interest on account of delay in payment.

8. Similar submissions have been made by the learned counsel for the petitioner in respect to the other contempt petitions.

9. Learned counsel appearing on behalf of the Principal Auditor General has invited the attention of this Court to the affidavit filed on behalf of Sh. Shivendra Vikram Singh wherein he has deposed that although they were not impleaded as respondents in the Writ Petition, vide order dated 02.08.2023, the pension has been authorized w.e.f. 01.09.2003 and all the pensionary benefits have also been authorized and now it is for the State Government to release the same.

10. Learned counsel for the State submits that the amount has already released along with interest in all respects. While the arrears of

pension, pay and leave encasement have been revised and released to the concerned Writ Petitioners who have filed these contempt petitions before this Court.

11. Learned counsel for the petitioner pray that as the compound interest was released in favour of the W.S. Goyat and S.P. Sood, who were similarly situated to the petitioners, they too are entitled for the same benefit as the judgment passed in S.P.Sood and W.C. Goyat was relied upon and followed by the Hon'ble Single Judge while deciding the Writ Petition of the petitioners. There is a considerable delay in making payment and therefore arrears of interest compounded annually, ought to be also released.

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

13. The scope of the Contempt Petitions is only to examine where there is a deliberate or willful contempt made out or whether there has been attempt to flout Courts' orders. If the orders of the Court have been complied with, the claim apart from what has been granted to the individual cannot be examined in the contempt proceedings. However, if the petitioners still feel that something further is left to be paid to them, they are always free to file appropriate proceedings for redressal of their grievances.

14. In the opinion of this Court, the orders passed by this Court in the Writ Petitions have been duly complied with and there is nothing left for the contemnors for compliance of the Court's order.

15. The statement of the learned counsel for the contemnors is accepted that the sanctions have been granted and it is expected that the same

shall be released forthwith and the amount shall be deposited in the accounts of the petitioners' accounts.

16. In view of the above, all Contempt Petitions stand disposed of. Notices stand discharged in all the Contempt Petitions.

17. Pending applications, if any, shall stand disposed of accordingly.

November 17, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes / No.
Whether Reportable	:	Yes / No.