

111
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9475-2024(O&M)
Date of decision: 26.04.2024

Jagdish Lal

...Petitioner

VERSUS

UHBVNL and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.K. Ganga, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to release interest on the delayed payment of retiral benefits i.e. pension arrear, DCRG and leave encashment from June, 2023 till realization and further to release revised pension as per his entitlement.
2. Learned counsel for the petitioner has submitted that he had earlier filed a writ petition before this Court which was allowed by learned Single Bench of this Court on 03.03.2016 vide Annexure P-1 in which the impugned orders of that petition were set aside and the respondents were directed to make payment of full salary and allowance to the petitioner during the period, he remained out of service i.e. from 23.02.1995 to 17.01.2011 alongwith interest

at the rate of 9% per annum within a period of three months. Thereafter, the respondent-Nigam assailed the aforesaid judgment by filing an LPA and the aforesaid LPA was dismissed vide Annexure P-2. However, so far as the interest part is concerned, the order was modified to the extent that instead of 9 % per annum which was on a higher side, an interest of 6% per annum was granted. Thereafter, the respondent-Nigam assailed the aforesaid judgment by filing an SLP which was dismissed vide Annexure P-3. The petitioner also filed a contempt petition before this Court which was also disposed of vide Annexure P-5. In the aforesaid contempt petition, the respondents had submitted that an amount of Rs. 48.49 lacs has been paid to the petitioner through bank which includes interest of approximately Rs. 25 lacs and the petitioner has issued a certificate of satisfaction on 20.06.2023. The contempt petition was disposed of as having been rendered infructuous. However, liberty was granted to the petitioner to revive the petition, if any claim still survives.

3. Learned counsel submitted that the aforesaid interest was not properly calculated and the claim still survives and therefore, the present petition has been filed.

4. I have heard the learned counsel for the petitioner.

5. The aforesaid order passed in the contempt petition vide Annexure P-5 is reproduced as under:-

“Learned senior counsel for the respondents submit that after dismissal of the SLP in the month of April, 2023, an amount of Rs.48.49 lacs stands paid to the petitioner through bank, which includes the interest of approximately Rs.25 lacs, as well and the petitioner has issued a certificate of satisfaction on 20.06.2023, in this regard. A photocopy of the same is taken on record as Mark X.

Accordingly, the present petition is disposed of having been rendered infructuous

However, liberty is granted to the petitioner to revive this petition, if any claim still survives.”

6. From a bare persual of the aforesaid order it is clear that the principal amount and the interest amount was paid to the petitioner and even the petitioner had issued a certificate of satisfaction on 20.06.2023. Still the Court in contempt petition had granted liberty to the petitioner to revive the contempt petition in case any claim still survives.

7. The petitioner instead of filing an application in the aforesaid contempt petition in view of the aforesaid liberty granted has preferred to file a fresh writ petition before this Court by filing the present petition. This Court is of the considered view that the petitioner has wasted the time of the Court and he has filed the present petition despite the fact that liberty was granted by a Co-ordinate Bench of this Court in a contempt petition to revive the contempt petition if any claim still survives.

8. In view of the above, the present petition is dismissed with costs of Rs. 20,000/- (Twenty thousand) which is to be deposited by the petitioner in the PGI Poor Patient Welfare Fund within a period of three months from today. In case the aforesaid costs are not deposited by the petitioner, then the same shall be recovered from the petitioner as arrears of land revenue.

9. List this case for compliance after three months.

(JASGURPREET SINGH PURI)
JUDGE

26.04.2024
rakesh

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