

2024:PHHC:109244



233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCOP-1629-2024
Decided on:-23.08.2024

Gian ChandPetitioner..

VS.

Pankaj Goel ...Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanvir Singh Khehar, Advocate for the petitioner.

Mr. Arun Beniwal, Sr. DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-13474-CII-2024

Application for preponing the date of hearing in the main petition is dismissed as having rendered infructuous.

CM-13475-CII-2024

Application is allowed as prayed for. Documents (Annexures P-6 to P-8) are taken on record, subject to all just exceptions.

Main case

1. By way of present petition filed under Section 12 of the Contempt of Courts Act, 1971, prayer has been made for initiation of contempt proceedings against the respondent on account of alleged non-compliance of order dated 08.04.2024 passed by this Court in CM-5487-CWP-2024 in CWP-24618-2023. The operative part thereof is extracted

hereunder:-

“Keeping in view the above, the present application is disposed of with a direction that till the appeal is decided, no recovery be effected from the applicant-petitioner also.”

2. In response, learned State counsel informs that though the appeal filed at the instance of petitioner stands declined vide order dated 22.08.2024, however, the 50% of the pensionary benefits, which were withheld during the period of September 2023 till August 2024, shall be released in favour of the petitioner within a period of 04 weeks from today.

3. In view of the above, learned counsel for the petitioner does not press the present petition.

However, in case, the payment is not released in favour of the petitioner within the aforementioned stipulated period, the respondent shall be liable to pay interest @9% per annum over the said amount and the petitioner shall also be at liberty to seek revival of the present contempt petition. It is made clear that in an eventuality wherein, the petitioner seeks revival on account of default of the respondent, the concerned officer would be liable to pay a sum of Rs.1 lakh as costs from his/her own pocket in favour of the petitioner on the date fixed.

Rule stands discharged.

23.08.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No