

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****COC-924-2025 (O&M)****Date of Decision : 06.11.2025**

Ishwar Chand

... Petitioner

Versus

Varun Singla

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Sheoran, Advocate for the petitioner.

Mr. S.K. Panwar, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. Present contempt petition has been filed alleging willful disobedience of order dated 17.10.2023 passed in CR-3486-2021.
2. Briefly the facts relevant to the present *lis* are that the petitioner herein was recruited as a Constable on 30.09.1976 in Rohtak and was transferred to Kurukshetra in the same year. He submitted his resignation on 25.08.1991 through proper channel and thereafter withdrew the same on 29.08.1991. However, his resignation was accepted by the Department on 29.08.1991 and he was relieved from service. His request to treat him on duty was not acceded to. Eventually, the petitioner herein filed a suit for declaration with consequential relief of mandatory injunction that he be treated to be in continuous service as a Constable without any break and acceptance of his resignation by the Department be declared as illegal, null and void. The said suit was decreed on 30.01.1997. The concluding portion of the decree reads

as under :

“This suit is coming on this 30th day of January, 1997 for final disposal before me [Shiva Sharma, Civil Judge (Sr. Division), Kurukshetra] in the presence of Shri R.P. Kaushik, Advocate for plaintiff and Shri Suresh Kumar, GPA for the defendant.

It is ordered that the suit succeeds and is hereby decreed with costs and order dated 29.08.1991 passed by the Superintendent of Police, Kurukshetra is declared to be null & void and is hereby set-aside. The plaintiff is also held to be continuing in service.”

3. The appeal filed by the State was dismissed vide judgment and decree dated 30.01.1997. Both the judgments and decrees were challenged before this Court by filing RSA-1815-1998. Vide order dated 31.08.1998 operation of the impugned judgments and decrees was stayed. The execution petition filed by the petitioner herein for implementation of the judgment and decree dated 30.01.1997 was adjourned *sine die* in view of the order dated 31.08.1998 passed in RSA-1815-1998. During the pendency of the regular second appeal, the petitioner herein filed a mercy petition before the Director General of Police, Haryana for taking him back in service, which was accepted vide order dated 15.08.2003. The petitioner was accepted back in service on the condition that he would not claim any benefit under the garb of decree passed by the Trial Court and the intervening period from the date of resignation i.e. 29.08.1991 till the date of joining would be treated as leave without pay and he would not be held entitled to any service or monetary benefits for the said period. The petitioner joined service in August 2003.

Thereafter, the petitioner was issued show cause notice dated 05.07.2006 by the successor Director General of Police, Haryana for reviewing the order dated 15.08.2003 and his services were dispensed with vide order dated 19.09.2006. The regular second appeal was dismissed vide judgment dated 19.05.2016. In the execution petition the State filed objections and the execution petition was dismissed vide order dated 08.11.2021. The said order was challenged by the petitioner by filing CR-3486-2021 which was allowed vide judgment dated 17.10.2023 holding as under :

“13. Consequently, instant revision petition is allowed. Impugned order dated 08.11.2021 passed by the Executing Court is hereby set aside and the petitioner is held entitled for all the service benefits arising out of the said judgment and decree dated 30.01.1997, by deducting the benefits which have already been paid to the petitioner in the shape of pension, gratuity, GPF, GIS and leave encashment by treating the service of the petitioner continuous. The petitioner is also entitled for grant of interest @ 6% per annum from the date of accrual till the date of payment. This exercise shall be completed and necessary payments shall be made to the petitioner within a period of three months from the date of receipt of certified copy of this order.”

4. Though the decree did not grant any interest, however, vide order dated 17.10.2023 while disposing off the petition being CR-3486-2021, this Court held the petitioner entitled to 6% interest per annum from the date of accrual till the date of payment.

5. Learned State counsel has filed a reply by way of an affidavit of Mr. Nitish Agarwal, IPS, Superintendent of Police, Kurukshetra, which is taken on record. Registry to scan the same and tag at the appropriate place.

6. As per the affidavit the entire amount, as directed vide judgment and decree dated 30.01.1997, has already been paid to the petitioner. It has further been stated in the affidavit that even directions issued vide order dated 17.10.2023 in CR-3486-2021 have since been complied with. Even the interest on delayed payment of salary/arrears of salary has been calculated and paid in full by the respondent. Qua the averment made by the petitioner for grant of additional salary i.e. 13th salary granted in lieu of loss of gazetted holidays and performing duties beyond the schedule duties, it has been stated that there is no record of the petitioner having performed any extra hours or assigned duties during routine service.

7. In view of the reply, no further orders are required to be passed in the present contempt petition and the same is dismissed. Rule stands discharged. Pending applications, if any, also stand disposed off.

06.11.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO