



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

207

COCP-1309-2024 (O&M)
Date of decision: 15.01.2026

O.P. Kumar

...Petitioner

V/s

Shri Jitender Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gulshan Sharma, Advocate, for the petitioner.
Mr. Anuj Garg, DAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

The instant contempt petition, preferred under Sections 10 and 12 of the Contempt of Courts Act, 1971 (for short "the 1971 Act") seeks initiation of contempt proceedings against the respondent for non-compliance of order dated 02.11.2023 (Annexure P-1) passed by a coordinate Bench in CWP-6640-2009.

2. The petitioner instituted CWP-6640-2009, which was disposed of vide order dated 02.11.2023;-

"This petition has been filed, inter alia, seeking a writ of mandamus directing the respondents to restore one-third commuted pension of the petitioner on completion of fifteen years from the date of commutation.

2. Learned counsel for the petitioner contends that the petitioner's claim is covered as per Government instructions, dated 02.06.1989, Annexure P-15, which is to the effect that an employee who got his pension commuted, can get commuted portion of the pension restored after surrendering full value of commutation together with notional interest. The petitioner is ready and willing to surrender full value of the commuted pension along with notional interest as applicable in his case.

3. Learned State counsel submits that in case representation to that effect is made by the petitioner, the same shall be decided (granting the due relief in terms of instructions dated 02.06.1989.

4. In view of the statement made by learned State counsel, the instant petition stands disposed of with liberty to the petitioner to file a representation before respondent No.3 within a period of two weeks from today. In case any such representation is filed, the same shall be decided by respondent No.3 by passing a speaking order regarding grant of claimed relief in terms of instructions, dated 02.06.1989, within a period of eight weeks from the date of receiving the representation.”

3. In compliance of the aforesaid directions, order dated 19.01.2024 (Annexure P-2) was passed, vide which the claim of the petitioner was rejected.

4. Under the circumstances, the instant contempt petition has been instituted alleging willful disobedience of the directions of the writ Court.

5. In the reply, the basic stand taken is that the notification dated 02.06.1989 is not applicable to the petitioner. A substituted speaking order dated 15.04.2024 (Annexure R-1) was also passed in this regard in which, it has specifically been stated that the notification dated 02.06.1989 is not applicable.

6. Learned counsel for the petitioner, while referring to order dated 02.11.2023, submits that the writ petition had been disposed of on the statements of learned counsel for the parties and that it had been decided that the due relief in terms of instructions/notification dated 02.06.1989 would be granted. He submits that by not granting the said relief, the respondent has willfully disobeyed the order passed by the writ Court.

7. *Per contra*, learned DAG, Haryana submits that there has been no willful disobedience of the aforesaid order as the instructions dated 02.06.1989 were not applicable to the petitioner, which has duly been clarified vide order dated 19.01.2024 followed by order dated 15.04.2024.

8. I have considered the submissions made by learned counsel for the parties.

9. If one peruses the order dated 02.11.2023, it does appear that there was an admission by learned State counsel that the case of the petitioner stands covered by the instructions/notification dated 02.06.1989. However, if one examines closely, it emerges that there was no such admission and learned State counsel had stated that if a representation is made by the petitioner, the same would be decided granting the due relief in terms of instructions dated 02.06.1989.

10. Now, by way of speaking order dated 19.01.2024 followed by order dated 15.04.2024, the case of the petitioner has been rejected and it has categorically been stated that the said instructions dated 02.06.1989 are not applicable to the petitioner. Once such categoric stand has been taken and a speaking order has been passed, the only remedy with the petitioner would be to if so advised, avail his remedies, as shall be admissible in law against the said order and it is not a case of willful disobedience of the order passed by the writ Court.

11. That being so, the instant contempt petition is found to be devoid of merit and is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

January 15, 2026

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