

COCP-2310-2022

Date of Decision :14.12.2022

SEEMA SHARMA @ SEEMA DEVI

...Petitioner

Versus

VIVEK PARTAP SINGH AND ORS.

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Irvanneet Kaur, Advocate for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Mr. Vikas Singh, Advocate for respondent No.3.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P/4, dated 17.05.2022 in CWP No.34409 of 2019 in case titled as Seema Sharma @ Seema Devi vs. Municipal Council, Gurdaspur and another.

[2] A perusal of order, Annexure P/4 reveals that CWP No.34409 of 2019 was disposed of by directing the respondents to calculate the benefits admissible to the petitioner under the Old Pension Scheme in respect of the service rendered by her late husband along with interest within three months of receipt of copy of order and the amount so calculated for which the petitioner became entitled to was directed to be released to her within four weeks thereafter.

[3] Pursuant to notice issued in the instant case, learned AAG has produced copy of order dated 14.11.2022 passed by Hon'ble the Division Bench in LPA No.818 of 2022 in case titled as Municipal Council, Gurdaspur vs. Seema Sharma @ Seema Devi and another wherein while

issuing notice of motion in the said appeal as well as on the application for stay and delay for 17.01.2023, the order passed by the learned Single Judge has been stayed in the meantime. The aforementioned order is taken on record.

[4] Learned counsel for the petitioner states that in the circumstances she does not press the instant petition at this stage but prays for grant of liberty to the petitioner to move an application for revival of the petition in the eventuality of order of stay being vacated or LPA No. 818 of 2022 being decided in favour of the petitioner.

[5] The same is not opposed to by learned counsel for the respondents.

[6] In view of the position noted above as well as the statement of learned counsel for the parties, the petition is disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to move an application for revival of the contempt petition in the eventuality of vacation of order of stay/decision of LPA No.818 of 2022 in favour of the petitioner, whichever is earlier.

[7] Rule discharged.

(B.S. Walia)
Judge

14.12.2022
'Amit'

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