



COCP-138-2022 (O&M)

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

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**COCP No.138 of 2022 (O&M)
Date of Decision: 14.08.2024**

BALBIR SINGH MOMI**.....Petitioner****Vs****KRISHAN KUMAR AND ORS****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Sameer Sacheva, Advocate
for the petitioner.

Mr. Gunjan Mehta, Addl. A.G., Punjab.

Mr. Vipin Mahajan, Advocate
for respondent Nos.3 and 4.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Sections 10 & 12 of the Contempt of Courts Act, 1971, contempt proceedings are sought to be initiated against the respondents on account of non-compliance of order dated 13.12.2021 passed by this Court in CWP No.25206 of 2021, whereby respondents were directed to consider and decide the legal notice moved by the petitioner by way of passing a speaking order.

2. In pursuance of last order dated 13.08.2024, two cheques bearing Nos.027648 and 027649 dated 14.08.2024 in a sum of Rs.10,00,000/- and Rs.9,16,944/- respectively have been handed over to learned counsel for the petitioner by learned counsel representing respondent Nos.3 & 4. Photocopies of the same are taken on record. However, learned counsel for the petitioner informs that enhanced benefit of gratuity w.e.f. 01.01.2016 have not been granted besides interest on the delayed payment.

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3. Learned counsel representing respondent Nos.3 and 4 submits that the delay in release of benefits to the petitioner was neither willful nor intentional, but was beyond the control of respondent No.4 on account of acute financial constraints.

4. In view of aforesaid fact that benefits to the petitioner have already been released besides the explanation of respondent No.4 being plausible, the present petition is disposed of as no further orders are required to be passed in the present case. However, with regard to the enhanced gratuity or interest on the delayed release of benefits, the petitioner shall be at liberty to avail his remedies in accordance with law.

5. Rule stands discharged.

August 14, 2024

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No