

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

227

**COCP No. 2007 of 2018
Decided on: 7.3.2019**

Gulshan Kumar**.....Petitioner****Versus****Karmesh Sharma and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Ms. Vanita Sapra Kataria, Advocate, for the petitioner

Mr. Aditya Sharda, AAG, Punjab

NIRMALJIT KAUR, J.(Oral)

The contempt petition is filed for non compliance of the order dated 12.12.2017 vide which direction was issued to decide the claim of the petitioner qua the interest on delayed payments in view of the observation made by the Full Bench of this Court in **'R.S. Randhawa v. State of Punjab, 1997 (3) RSJ 318'** as well as the Punjab Government's Instructions dated 10.5.1990.

Admittedly, the speaking order was passed way back on 19.2.2017 granted certain directions. However, the contempt petition was filed after the passing of the said speaking order, on the ground that the petition was dismissed after taking into consideration the Punjab Government's Instructions dated 10.5.1990 but they went ahead and decided the claim of the petitioner on the basis of the Instructions of 1995, which they could not have done. Learned counsel for the petitioner while arguing further submitted that the respondents could not go beyond the order.

However, the said argument cannot be accepted as the said order dated 12.12.2017 is an ex-parte order and the respondents had no opportunity to rebutt the fact that Instructions dated 18.5.1990 were modified.

In view of the above, the present contempt petition is dismissed.

The rule issued against the respondents is discharged.

At this stage, learned counsel for the petitioner stated that some retiral benefits are still due to the petitioner.

If that is so, the petitioner is at liberty to file a fresh representation within a period of two months from today. If the same is done, the respondents shall decide the same in accordance with law within a period of two months from the date of receipt of representation.

(NIRMALJIT KAUR)
JUDGE

7.3.2019

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No