

**(2006) 08 P&H CK 0146**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** C.O.C.P. No. 320 of 2006

Phuman Singh

APPELLANT

Vs

K.B.S. Sidhu, IAS and Another

RESPONDENT

**Date of Decision:** Aug. 17, 2006

**Hon'ble Judges:** Surya Kant, J

**Bench:** Single Bench

**Advocate:** S.S. Rathore, for the Appellant; R.S. Khosla, for the Respondent

**Judgement**

Surya Kant, J.

The petitioner, who joined the Department as Peon on 27.9.1963, was later on promoted on the post of Process Server/Daftri. He retired from the said post on attaining the age of superannuation on 30.4.2005. His retiral benefits, however, were not released. After serving the respondents with a legal notice on 20.9.2005, the petitioner approached this Court by way of C.W.P. No. 17253 of 2005 which was disposed of on 28.10.2005 with a direction to the respondents to take a conscious and cautious decision on the Justice Demand Notice which the petitioner had already served, within a period of one month.

2. Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

3. In response to the show cause notice, Mr. Vikas Garg, Director, Housing and Urban Development Department, Punjab has filed his affidavit dated 3/ 4-8-2006. Along with the said affidavit, he has appended the gratuity and pension payment orders dated 12.4.2006. It is, thus, averred that the retiral benefits have since been paid to the petitioner. As the facts speak for themselves, the petitioner retired on 30.4.2005 and ought to have been paid his retiral benefits immediately thereafter so that he and his dependents could sustain. Unfortunately, the retiral benefits were not released despite the directions issued by this Court on 28.10.2005 to consider his claim within one month.

4. Not only this, the petitioner has been compelled to initiate these contempt proceedings and it is only on receipt of notice in these proceedings that his retiral benefits have been settled and released. It is, thus, apparent that the directions issued by this Court have not been complied with timely and/or in letter and spirit. However, having regard to the fact that the petitioner has since been paid his retiral benefits and for the delay and harassment caused to him, he can be suitably compensated and taking a lenient view in the matter, this contempt petition is disposed of with a direction to the respondents to pay interest to the petitioner at the rate of 6% per annum with effect from 1.5.2005 till the date of actual payments. The arrears of interest shall be paid to the petitioner within a period of two months from today.

5. Rule stands discharged.