

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

COCP No.1316 of 2015
Date of Decision: 06.10.2015

Ishwar Singh and others

. . . .Petitioners

Versus

Subhash Chandra

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Umesh Narang, Advocate,
for the petitioner.

Mr.Deepak Manchanda, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The Civil Writ Petition No.2151 was filed by 25 petitioners, seeking a mandamus directing the respondents therein to restore their pay, reduced and refixed at lower stages, which has already been fixed, as per the provision of Rule 7 of the Revised Pay Rules, 2008, in pursuance to the order dated 14.9.2011 passed in CWP No.30274 of 2011, which has been quashed in the light of the judgment of this Court rendered in CWP No.18438 of 2010 titled as “*Subhash Chander and others Vs. State of Haryana*” decided on 3.11.2012. The writ petition was disposed on 6.2.2013 without notice to the respondents with the following order: -

*“In the light of the facts noticed herein above,
I deem it appropriate to dispose of the present
writ petition with the direction to respondent
No.2 i.e. the Commissioner and Director*

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General, School Education, State of Haryana, to consider the grievance and claim of the petitioner and to take a final decision on the legal notice dated 15.11.2012 (Annexure P-7) strictly in accordance with law within a period of 4 months from the date of receipt of certified copy of this order.”

Since the aforesaid order was not complied with, therefore, the present petition has been filed.

In the reply, filed by the Director, Elementary Education, Haryana, order dated 27.7.2015 is also attached (Annexure R-1), as per which, the petitioners were held not entitled to the benefit of bunching increments and their claim was rejected.

It is submitted by learned counsel for the petitioners that the order dated 27.7.2015 would be challenged separately but the respondents have already committed the contempt by violating the order of the Court dated 6.2.2013 as decision was not taken within stipulated time.

Learned counsel for the respondents has failed to cite any reason for the delay.

Accordingly, the present petition is hereby disposed of having rendered infructuous because the legal notice of the petitioners has been decided though against them which they may, if so advised, challenge, in accordance with law but the petitioners are held entitled to the costs of ₹28,000/- which shall be paid to each petitioner @ ₹2000/- by way of demand drafts, which shall be sent to them on their addresses by registered post.

06.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

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