

COCP Nos.149 & 353 of 2015

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

(1) **COCP No.149 of 2015**
Date of decision:28.05.2015

Surinder Kumar ...Petitioner

Versus

Sh. Kaushal Srivastav and another ...Respondents

(2) **COCP No.353 of 2015**
Date of decision:28.05.2015

Roop Singh and another ...Petitioners

Versus

Sh. Kaushal Srivastav and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. HPS Ghuman, Advocate,
for the petitioner(s).

Mr. P.C.Goyal, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

This order shall dispose of two contempt petitions bearing COCP Nos.149 and 353 of 2015 as both are inter-connected. In COCP No.149 of 2015, the alleged willful disobedience is of the order dated 31.05.2013 passed by the Central Administrative Tribunal, Chandigarh (hereinafter referred to as the "Tribunal") and the order dated 01.05.2014 passed by this Court in CWP No.8094 of 2014, whereas in COCP No.353 of 2015, the alleged willful disobedience is of the order dated 03.08.2012 passed by the Tribunal and the orders dated 21.01.2013 and 29.04.2013

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passed by this Court in CWP No.25662 of 2012.

It is an admitted fact that before approaching this Court under the provisions of the Contempt of Courts Act, 1971, the petitioner(s) had filed CP No.229/2013 for the alleged non-compliance of the order dated 03.08.2012 passed in O.A. No.338/PB/2012 and C.P. No.228/2013 for the alleged non-compliance of order dated 31.05.2013 passed in O.A. No.767/HR/2013, which was disposed of in terms of the orders dated 03.08.2012 passed in O.A. No.338/PB/2012. The relevant O.A. was allowed by the Tribunal in terms of the order passed by Principal Bench in O.A. No.651/97 titled as **“I.C.Joshi and others v. Union of India and others”**, upholding the entitlement of the applicants therein to the service rendered by them in their parent commissionerate. The petitioners made a complaint to the Tribunal that the orders passed in both the O.As., referred to above, have not been complied with because they have not been given the benefit of seniority on the basis of their service rendered in their parent commissionerate. It was observed by the Tribunal that vide order dated 09.04.2010, passed in C.M. No.6487/2009, it was made clear that the petitioners shall be given all benefits from the date when other similar situated persons have been given, whereas it was not the case of the petitioners that similarly situated persons have been given the seniority from the date of their joining in the previous commissionerate. The case of the petitioners was disposed of in terms of the order passed in **I.C. Joshi and others' case (supra)** who have not been given the benefit of seniority on the basis of services rendered in the previous commissionerate.

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While referring to paragraph 44 of the order passed by the Supreme Court in Civil Appeal No.8017/2003 titled as “**Union of India and others v. Deo Narain and others**”, the Tribunal, vide its order dated 14.02.2014, held that the direction issued by the Tribunal have been fully complied with by the respondents and there is no willful disobedience on their part. The CP was dismissed having been fully satisfied and it was also observed that if the petitioners have any grievance still left, they would be at liberty to agitate that matter on original side.

Although counsel for the petitioners has vehemently argued that since the order passed by the Tribunal has merged in the order of the High Court, therefore, the respondents have committed the contempt, but once the Tribunal had itself found that the order dated 03.08.2012 and 31.05.2013 have been duly complied with, no further contempt lies with this Court as liberty has also given to the petitioners to agitate their grievance, if any, on the original side before the Central Administrative Tribunal. Moreover, the petitioners, if so advised, may challenge the order of the Central Administrative Tribunal dated 14.02.014, in accordance with law.

In view thereof, I do not find any merit in the present contempt petitions and hence, the same are hereby dismissed.

Rules is discharged.

May 28, 2015
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(**Rakesh Kumar Jain**)
Judge