

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

Date of decision: 16.01.2015

CWP No. 1496 of 2014

Gurmit Singh

----Petitioner

Versus

Jaspal Singh and another

-----Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Kamaldeep Singh Sidhu, Addl. A.G., Punjab

HARINDER SINGH SIDHU, J. (ORAL)

The petitioners are Enumerators working in the Department of Animal Husbandry, State of Punjab. They filed CWP No. 15827 of 1995 praying for directions to grant them the pay scale on parity with pay scale of the corresponding posts in the Economic & Statistical Organization of the State. The said writ petition was disposed of vide order dated 02.05.2012 in the same terms as in CWP No. 14688 of 1995 titled as *'Computers' Association, Health and Family Welfare Department, Punjab Office of Director, Health and Family Welfare Punjab and others v. State of Punjab and others'* decided on 05.08.2010. The relevant directions in the said case are extracted as under:

“In this view of the matter, this writ petition is allowed and the respondents are directed to grant pay scales of Rs.950-1800 (with an initial start of Rs.1000/-) w.e.f 1.1.1986 instead of 1.10.1991, Rs. 1200-2130 and Rs.1500-2700 w.e.f 1.1.1994 to the Computers/Statistical Clerks, revised pay scales of Rs.1800-3200 w.e.f 1.1.1994 to the Statistical Assistants, Rs.1800-3200 w.e.f 1.1.1986 and Rs.2000-3500 w.e.f 1.1.1994 to the Superintendents(Statistics)/Assistant Statisticians/Junior Statistical Nosologists (petitioners) as was granted to similar situated employees of the Economic and Statistical Organization, Punjab. Two months' time is granted to the respondents to work out the consequential benefits which may accrue to the petitioners from this benefit. The same may be released within a period of one month thereafter. However, the petitioners would not be entitled to any arrears, but if some of the petitioners have already got them as informed by counsel for the petitioners, no recovery be made from them.”

The petitioner represented to the respondents to comply with the directions passed in CWP No. 15827 of 1995. In response there to, an order dated 12.09.2014 (Annexure R-1) has been passed and the claim of the petitioners has been rejected. It has been stated that for complying with the order dated 02.05.2012, the matter was taken up by the Government (Administrative Department) with the Department of Finance and as per advice of the Department of Finance, the categories of Assistant Director, Technical Assistant, Enumerator and Puncher were not mentioned in CWP No. 14688 of 1995. Therefore, these categories cannot be granted higher pay scale as directed therein. However,

the posts of Statistical Assistant and Computer, as found mentioned in the judgment, were granted higher pay scale.

Sh. Kamaldeep Singh Sidhu, learned Additional Advocate General, Punjab states that as there was no direction covering the categories of Assistant Director, Technical Assistant, Enumerator and Puncher, hence there is no non-compliance and this contempt petition deserves to be dismissed.

Faced with the aforesaid situation, learned counsel for the petitioners states that he may be permitted to approach the Court for clarification of the order dated 02.05.2012 passed in CWP No. 15827 of 1995.

In view of the above, the present contempt petition is disposed of with liberty to the petitioners to approach this Court for clarification of order dated 02.05.2012.

(HARINDER SINGH SIDHU)
JUDGE

16.01.2015

Atul