

COCP No.171 of 2015 (O&M)

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

**COCP No.171 of 2015 (O&M)
Date of decision:12.05.2015**

Dr. (Ms.) Urmila Rao

...Petitioner

Versus

Vijai Vardhan and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Mukesh Rao, Advocate,
for the petitioner.

Mr. D.K.Mittal, DAG, Haryana.

Mr. S.N.Yadav, Advocate,
for respondent No.3.

Rakesh Kumar Jain, J.

The petitioner has filed this petition under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as the “Act”) for alleged violation of the order dated 08.08.2013 passed in CWP No.6241 of 1994 and the order dated 12.12.2013 passed in LPA No.2063 of 2013.

In the order dated 08.08.2013, the following directions were issued by this Court:

“Consequently, respondents no.1 and 2 are directed to ensure the early release of the grant-in-aid with effect from 01.04.1992 alongwith arrears, if any, for the posts held by the petitioners. The grant-in-aid shall

be released taking into consideration the respective numbers of annual increments, already earned by the petitioners prior to 01.04.1992.

It is further directed that in case any other service benefit including the re-fixation of salary accrues in favour of the petitioners, that shall also be granted to the petitioners along with arrears, if any. Let this exercise be completed by respondents no.1 and 2 within a period of three months from the date of receipt of a certified copy of this order.

Resultantly, with the above said observations made and directions issued, the instant writ petition stands allowed, however, with no order as to costs.”

The order dated 12.12.2013, passed in LPA No.2063 of 2013, reads as under:

“Having heard learned counsel for the appellant it appears to us that the above stated relief was not specifically prayed for on behalf of the writ-petitiones before the learned Single Judge. Suffice it would be to observe that if as a consequence to the directions issued by the learned Single Judge the appellant is entitled to the above-mentioned relief, she may represent the Competent Authority, namely, the State Government as well as the Managing Committee of the College who shall then consider and decide such claim in accordance with law/rules/Government policy within a period of six months from the date of receiving such a representation.

The appeal stands disposed of accordingly.”

Basically, the dispute is with regard to arrears of salary of the petitioner for the period starting from December, 1989 to 01.04.1992 which

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was allegedly not related to the government because during that period, the college of the petitioner was not receiving grant-in-aid and it was only w.e.f. 01.04.1992 that the college was granted grant-in-aid by the government, therefore, the claim of the petitioner pertaining to arrears of salary for that period was to be decided by the management. The management has decided and rejected it on the ground of delay and latches only by passing a speaking order, which is also attached with its reply as Annexure R/1.

Since it has been categorically observed by the Division Bench in its order dated 12.12.2013 that the relief prayed by the petitioner was not specifically raised in the writ petition before the Single Judge but still, if the petitioner is entitled to the said relief, she may represent to the Competent Authority who would consider and decide her claim in accordance with law, therefore, the said direction has been duly complied with and the claim of the petitioner has been rejected in view of the averments made in para no.3 of the reply filed on behalf of respondent No.3, by passing a speaking order.

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

Rule is discharged.

May 12, 2015
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(Rakesh Kumar Jain)
Judge