

**203-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COC-712-2015

Date of decision: December 19, 2015

PYARE LAL

...Petitioner

Versus

MOHAMMAD SHAYIN AND ANR.

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Sonak, Advocate
 for the petitioner.

 Mr. K.K. Gupta, Advocate
 for the respondents.

LISA GILL, J.(ORAL)

Prayer is for initiating contempt proceedings against the respondents for deliberate and willful disobedience of the order dated 27th February, 2015 (Annexure P-2) which reads as under:-

“Learned counsel for the applicant-petitioner states that the salary is not being paid to him. If that is so, then the respondents are mandated to release the salary of the applicant within two weeks from today, failing which the respondents would have to explain as to how they have withheld the salary of an incumbent while taking work from him. It is also clarified that if the salary of the applicant has been withheld for any unjustifiable reason, the concerned officer shall be burdened with costs of Rs.50,000/- which shall be deducted from his personal pay”.

In the reply filed on behalf of respondent-Board, apart from submitting that there is no post of Sweeper-cum-Chowkidar with the Board, it is mentioned that petitioner was never working with the Board but with the Market Committee, Chandigarh. Furthermore, he was appointed initially as a Beldar and then a Sweeper on contract basis for a fixed tenure. His contract was not renewed after 23rd December, 2014 as it was decided to fill all vacant Group 'D' posts through a service provider. Entire wages upto

23.12.2014 were duly paid to the petitioner.

It is the specific case of the respondents that petitioner was offered appointment through the service provider pursuant to decision of the respondents to outsource all Group 'D' posts. As per report submitted by the outsourcing agency, petitioner refused to accept appointment through the service provider. He joined on 6th June, 2015, after Market Committee again offered him appointment on 5th June, 2015 through the service provider. Petitioner was not paid the salary for this period for which he admittedly did not work. Rest of the salary due till 23rd December, 2014 has been paid.

Learned counsel for the petitioner seeks to withdraw this contempt petition as petitioner wishes to challenge the decision of the respondents to outsource Group 'D' posts by service provider. It is submitted that petitioner shall raise his claim for salary from January, 2015 to June, 2015 along with the challenge which may be raised against the abovesaid decision.

Dismissed as withdrawn in view of the above.

December 19, 2015
m. sharma

(LISA GILL)
JUDGE