

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

COCP No.1037 of 2014 (O&M)
Date of decision: 10.5.2016

Jaipal Sharma and others

..... Petitioners

Versus

Sh. Sarban Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ravinder Malik, Advocate, for the petitioners.

Mr. Gagandeep S. Wasu,
Additional Advocate General, Haryana.

RAJESH BINDAL, J

This Court disposed of the writ petition directing that the case of the petitioners be considered for promotion from the date their juniors were promoted and all consequential benefits be paid.

It is not disputed that the petitioners had been granted promotion from the date their juniors, as work charge employees, were granted promotion. The claim is sought to be made that technical pay scale should have been granted to the petitioners actually w.e.f 1.5.1990 and not from 9.8.2010, as has been granted vide communication dated 2.11.2015. He further submitted that even that benefit had been granted only after contempt was got revived, otherwise earlier technical pay scale was not granted. However, he did not dispute the fact that the persons juniors to them were also granted benefit notionally w.e.f. 1.5.1990 and actually from 9.8.2010. Hence, all were at par.

Learned counsel for the respondents submitted that no doubt there was delay in compliance of the order but it is for the reason that during the interregnum the Haryana (Abolition and Distinction of Pay Scale between Technical and Non-Technical Posts) Act, 2014 was enacted, in terms of which the technical pay scale was not to be granted. However, the matter was referred to the Finance Department though after the filing of the application for revival of the contempt petition seeking sanction in the case of the petitioners and the same having been granted, the benefit of even

technical pay scale was given to the petitioners at par with their juniors. For delay in compliance, unconditional apology has been tendered.

Mr. Ashok Kheterpal, Engineer-in-Chief, Public Health Engineering Department, Panchkula, who is present in person in Court stated that to purge the contempt, he will monitor planting of 10,000 trees in various tubewells, canal base water works, which are under his control and take care of them till such time, those are stable.

In view of the stand taken by learned counsel for the respondents, and the statement made by Ashok Kheterpal, the present petition is disposed of while accepting the apology and the statement made by Ashok Kheterpal, as the order passed by this Court has been complied with.

(RAJESH BINDAL)
JUDGE

10.5.2016

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