

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No.1301 of 2015
Date of Decision:-30 .11.2016

Dr. Rajesh Khanna

..... Petitioner

Vs.

M/s Vini Mahajan, IAS and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vineet Sharma, Advocate,
for the petitioner.

Mr.Anant Kataria, DAG, Punjab.

RAKESH KUMAR JAIN, J.

This petition is filed for invoking the provisions of the Contempt of Courts Act, 1971 [for short 'the Act'] for the alleged willful disobedience of the order dated 12.7.2013 passed in LPA No.982 of 2013.

The operative part of the order dated 12.7.2013, allegedly violated, read as under:-

“We have heard learned counsel for the parties and considered the fact that in the event of acceptance of the appellant's claim by the Competent Authority, his pension and other retrial benefits are likely to be suitably increased. We, therefore, are of the view that there is an element of recurring cause of action in favour of the appellant to a limited extent. Consequently, we modify the order passed by the learned Single Judge,

with a direction to respondent No. 1 to consider and dispose of the appellant's claim as contained in the legal notice dated 15.10.2012 regarding regularization of his services. We, however, direct that if the appellant's claim is accepted, no consequential monetary benefit shall be granted up to the date of passing of such order. Let an appropriate order be passed within a period of four months from the date a certified copy of this order is received.”

On dissection of the aforesaid order, the following directions were noticed: -

- (i) Respondent No.1 to consider and dispose of the appellant's claim as contained in legal notice dated 5.10.2012 regarding regularization of his services.*
- (ii) If the appellant's claim is accepted, no consequential monetary benefits shall be granted upto the date of passing of such order.*
- (iii) Let an appropriate order be passed within a period of four months from the date of receipt of certified copy of the order.*

Admittedly, the respondents passed the order of regularization of services of the petitioner on 22.1.2014 w.e.f. 6.8.1986 and was held entitled for the benefits as per the order dated 12.7.2013. In respect of the grant of Assured Career Progression Scale, after completion of 4/9/14 years of the service, the petitioner was not found entitled to the ACP Scale in view of his service record and the same was rejected vide order dated 2.9.2015.

However on 12.7.2016, after an order was passed by this Court, another

affidavit has been filed by the Principal Secretary, Department of Health and Family Welfare in which it is averred that another order dated 29.7.2016 was passed along with proficiency step up after 8 years of service from 6.8.1994, 9 years ACP from 1.1.1996 and 14 years ACP from 1.1.2001 subject to the condition that he will not be given any arrears of pay on this account in view of order dated 12.7.2013. However, he was given benefit of revision pension.

Learned counsel for the petitioner has submitted that since the order passed by this Court on 12.7.2013 was not complied with within four months, therefore, consequential benefits be paid to the petitioner as according to him the petitioner was not entitled to consequential monetary benefits had the order been passed within four months from the date of receipt of certified copy of the order dated 12.7.2013.

On the other hand, learned counsel for the respondents has submitted that the respondents were directed to consider the claim of the petitioner contained in the legal notice dated 5.10.2012 regarding regularization of his services. That claim was considered by the respondents vide order dated 15.1.2014 and the services of the petitioner was regularized w.e.f. 6.8.1986. Thus, the order passed by this Court on 12.7.2013 was complied with in its letter and spirit and there is no inordinate delay as well as disobedience on the part of the respondents to grant consequential monetary benefits which were denied by the Court in its order dated 12.7.2013.

I have heard both the learned counsel for the parties and after examining the available record with their able assistance am of the considered opinion that the order passed by this Court has been duly complied with except for some minor delay on the part of the respondents

for which they cannot be held liable for proceedings in terms of the provisions of the Act. However, since the petitioner had to approach this Court for the purpose of filing this petition, therefore, he is ordered to be compensated with cost of ₹20,000/- which shall be paid to him by way of a draft in his name, by the respondents.

In view of the aforesaid observations, the present petition is hereby disposed of.

Rule discharged.

30.11.2016
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>