

COCP No. 1552 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 1552 of 2015

Date of Decision: November 21, 2016

Bhagwati Devi

...Petitioner

Versus

Kahan Singh Pannu & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Animesh Sharma, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court alleging non-compliance of the order dated 24.07.2013 passed in CWP No.1492 of 2012, titled as 'Bhagwati Devi & others Vs. Punjab Agro Industries Corporation Ltd.', preferred by the petitioner, which was disposed of granting benefits to Shri Gosain Singh, husband of the petitioner, in the same terms as in CWP No.3543 of 2011, titled as 'Balwant Singh & others Vs. Punjab Agro Industries Corporation Ltd.', decided on 09.07.2012.

It is the contention of the learned counsel for the petitioner that as per the directions issued by this Court, the husband of the petitioner was entitled to the removal of anomalies in the pay-scale, which had been granted to the similarly placed employees who had approached the Labour Court and the award so passed by the Labour Court was upheld upto the

Supreme Court, the said benefit of removal of the anomalies in the pay-sale

has been granted but payments of arrears have not been made as per the order. He contends that the payments of arrears were restricted to 38 months from the date of filing of the writ petition and since Gosain Singh, husband of the petitioner had filed the writ petition on 24.01.2012 and had retired on 30.11.2008 which was within the period of 38 months prior to the date of filing of the writ petition, he was entitled to the benefit of arrears even prior to 24.11.2008.

Counsel for the respondents has referred to para 7 of the affidavit dated 11.09.2015 filed by Ms. Anjna Kapoor, General Manager (Personnel & Administration), Punjab Agro Industries Corporation Ltd., respondent No.2, which reads as follows:-

“7. That this Hon'ble Court, vide order dated 24.07.2013 (Annexure P-1) and 09.07.2012 (Annexure P-2), has restricted the payment of arrears for a period of 38 months from the date of filing of the writ petitions. Since the writ petition was filed by the petitioner on 24.01.2012 and Late Sh. Gosain Singh retired on 30.11.2008, therefore, date of period of 38 months prior to the date of filing the writ petitions comes to 24.11.2008 to 30.11.2008 and resultantly, an amount of ₹ 1,279/- (Basic pay for 7 days ₹ 1,253/- + D.A. ₹ 200/- - EPF ₹ 174/- = ₹ 1,279/-) as arrears of salary have been released to the petitioner vide Cheque No.291267 dated 28.08.2015.”

Counsel for the respondents, on the basis of the above, submits that the petitioner could only be entitled to the benefit of arrears of 38 months prior to the date of filing of the writ petition, which benefit has been granted. As regards the earned leave and gratuity are concerned, the said benefits have also been released, which fact is not disputed by the counsel

for the petitioner. Apart from that, he contends that there are 7 days on which the petitioner has worked i.e. from 24.11.2008 till 30.11.2008, the date of retirement of the husband of the petitioner and for the said period also, arrears of salary after removal of the pay anomalies have been granted. He, thus, contends that the order passed by this Court, contempt of which is alleged, has been duly complied with.

Having considered the submissions made by the counsel for the parties, this Court is in agreement with the contentions as raised by the counsel for the respondents for the reason that the arrears which the petitioner was held entitled to in the writ petition was restricted to 38 months prior to the date of filing of the same. Admittedly, the writ petition was filed on 24.01.2014 and 38 months prior thereto would come 24.11.2008. Arrears, if any, would be for this period alone and not prior thereto. Petitioner has worked for 7 days within 38 months, for which, he has been granted the consequential benefits. Subsequent thereto, it being a non-pensionable post, nothing could be drawn by the husband of the petitioner and therefore, cannot be given any arrears for the said period. The order, thus, passed by this Court on 24.07.2013 has been duly complied with.

In view of the above, the contempt petition is disposed of as infructuous.

Rule issued to the respondents stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 21, 2016

Harish

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No