

COCP-1851 of 2016 (O&M)

Date of Decision: 03.08.2016

Ramphal Singh and another

.....PETITIONERS

VERSUS

Khubi Ram Kaushal

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**PRESENT: Mr. Ramesh Goyat, Advocate,
for the petitioners.**

AUGUSTINE GEORGE MASIH, J (ORAL)

Prayer in this contempt petition is that the order dated 21.08.2015 (Annexure P-1) passed by this Court in CWP No. 17433 of 2015 titled as Ramphal Singh and another vs. State of Haryana and others has been violated by the respondents, wherein directions were issued to the respondent to consider and decide the legal notice of the petitioners dated 27.04.2015 served upon the respondent for modification of the ACP Grade Pay to the petitioner in the light of the Instructions dated 04.03.2014 and to release the consequential benefits. He contends that although the decision has been taken on the claim of the petitioners but the consequential benefits have not been released, therefore, a contempt has been committed by the respondent.

This contention of the learned counsel for the petitioners cannot

be accepted as there is no direction issued by this Court for release of the

consequential benefits. The operative part of the order passed in CWP No. 17433 of 2015 reads as follows:-

“ Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No. 3 to take a decision on the legal notice dated 27.04.2015 (Annexure P-5), issued by the learned counsel for the petitioners, by passing a speaking order and after affording opportunity of hearing to the petitioners, preferably within four months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioners and if the decision is not to the satisfaction of the petitioners, they would be at liberty to challenge the same, in accordance with law.”

A perusal of the above would show that except for a direction to decide the legal notice, no direction has been issued for taking any further action thereon and, therefore, it would not be a contempt. No contempt, thus, is said to be made out against the respondent as he has fully complied with the order passed by this Court where the direction was limited to the extent to decide the legal notice dated 27.04.2015.

The contempt petition, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

August 03, 2016

pj

Whether speaking/reasoned

Yes

Whether Reportable

No