

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

**COCP No.1925 of 2014 (O&M)
Date of Decision:-28.01.2016**

Manoj Kumar and others

..... Petitioners

Vs.

Sangeet Kumar

..... Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Amit Chopra, Advocate,
for the petitioners.

Mr.Prem Kumar, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners writ bearing CWP No.17482 of 2003 was allowed vide order dated 5.2.2010 in the following manner:-

“The impugned order is quashed. The petitioners shall be regularized w.e.f. 23.1.2001 and shall be put on regular scales and the petitioners will be entitled to all the benefits accruing therefrom.”

The respondents appeal bearing LPA No.665 of 2010 was disposed of on 27.03.2012. Although service of the petitioners has been regularized and notional benefits have been given but arrears of salary has not been paid.

The case of the respondent is that the other employees had also filed CWP No.2802 of 2003 titled as “Sukhminder Kaur and

others Vs. Nagar Panchayat Sahnewal”, which was disposed of on 8.2.2013 in the following manner:-

“In view of the above, present writ petition is allowed. Direction is issued to the respondents to regularize the services of the petitioners w.e.f. 23.1.2001 as per the policy decision dated 23.1.2001 (Annexure P-7). Petitioners shall be entitled to all consequential benefits from the date of their regularization except for the monetary benefits, which shall be restricted to three years and two months prior to the date of filing of the present writ petition.”

The said order was challenged by the respondent by way of LPA No.962 of 2013, which was allowed in part on 10.12.2013 with the following order: -

“Since the Nagar Panchayat is required to carry out several development works which need to be prioritised in larger public interest, we are of the view that the respondents are entitled to notional benefits only.

Consequently, the instant appeal is allowed in part to the limited extent that no monetary benefits shall be granted to the respondents though they shall be entitled to notional benefits of seniority and pay fixation from the date of regularization to be fixed as per order passed by the learned Single Judge. The minimum pay scale already

*granted to the private respondents shall
also remain unaffected.*

Learned counsel for the petitioners has cited a decision of this Court in the case of **“Ram Dass and others Vs. Sate of Punjab and others”** 2009 (5) SLR 359, to contend that the expression consequential benefits would include monetary benefits unless excluded by the Court by a specific direction. It is also submitted that though there may be some direction by the Court in the case of **Sukhminder Kaur and others (Supra)**, but there is no such direction in the case of the petitioners when their writ petition was disposed of upholding all their rights regarding consequential benefits, arising from the order.

After hearing learned counsel for the parties, I am of the considered opinion that there is a fallacy in the approach of the respondent in interpreting the order passed by this Court, comparing with the order passed in *CWP No.2802 of 2003* and hence, the respondent is further directed to pay the arrears of salary to the petitioners as soon as possible, preferably within a period of two months from the date of passing of this order.

Disposed of.

28.01.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**