

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

**Date of decision: 27.09.2016**

**CWP No.17859 of 1999 (O&M)**

Rajeshwar Aggarwal

...Petitioner

Vs.

State of Haryana & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: None for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

**RAJIV NARAIN RAINA, J. (ORAL)**

The prayer in the present petition and before the Lok Adalat when the matter was referred to it, was for bunching of the pay scale. The Lok Adalat granted pay scale in the grade of Professor, which was not permissible under the Rules of service because bunching applies only in cases of revised pay scale and the functional scale of pay and not to cases of grant of selection grade, such as is available to the level and rank of Professors, like the petitioner in this petition. The Lok Adalat order was stamped by the High Court and became the decision.

It may also be noted that COCP No.1424 of 2001 was filed for non-compliance of the Lok Adalat order and the same was disposed of ex parte without notice to the State/department and without calling comments from the respondent – Department to see the rule position. The contempt Court straightaway passed the following order on 09.10.2001 and disposed of the petition, which order has been reproduced in the impugned

administrative order dated 05.11.2001 passed by the Higher Education Commissioner, Haryana, Chandigarh and reads thus:

“The grievance of the learned counsel for the petitioner is that the order dated 05.02.2001 has not been complied with by the respondent authorities in spite of the fact that the Review application has already been dismissed on 22.05.2001. One more chance is given to the respondent authorities to comply with the order dated 05.02.2001 within one month from the receipt of copy of this order failing which they shall be hauled up for contempt. Petition stands disposed of accordingly.”

In the face of this order, the Officer I think could have had no other option available, except to implement the order within one month fearing of the contempt proceedings. It appears that the order of Lok Adalat was complied with *in terrorem* on the pain of contempt even though the Lok Adalat had clearly exceeded its jurisdiction in making the order and to this extent Ms. Shruti Jain Goyal is correct when she laments that the administrative order should not be allowed to be treated as a binding precedent in any of the departments of the Government, including the present respondent department for other officers or wherever the principle applied for bringing relief to the petitioner can be used against the State and, therefore, her prayer is accepted with due deference to the Lok Adalat declaring that the orders of the Lok Adalat will not be read as a precedent in the past and in the future in any proceedings in a court of law on the point of issue regarding bunching.

With these observations, the instant petition stands disposed of.

**27.09.2016**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:*  
*Whether Reportable:*

*Yes*  
*No*