

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

**COCP-1024-2016 (O & M)
Date of decision: 21.02.2017**

Sukhdev Raj and ors.

.... Appellant

V/s

Vinai Kumar Saxena

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Khurana, Advocate, for petitioners.

Mr. K.K. Gupta, Advocate, for the respondent.

Rajan Gupta, J. (Oral)

Petitioners alleges violation of order passed by the writ court on 08.07.2015. Operative part thereof reads as under:-

“Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.2 to take decision on the legal notice dated 10.01.2015 (Annexures P-6) issued on behalf of 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.”

It has been urged before the court that order was never passed by the Chairman of Khadi and Village Industries Commissions. The authority, therefore, failed to comply with the order passed by the writ court in letter and spirit.

In its affidavit dated November 24, 2016, filed by, Vinai
Kumar Saxena, Chairman of Khadi and Village Industries Commission,

Mumbai, it has been stated that at the relevant time, the Commission stood dissolved by the concerned Ministry. In order to comply with order passed by the writ court, State Director, Khadi and Village Industries Commission was asked to take necessary action. He held several meetings with the petitioner and finally a settlement was arrived at giving them 30% increase over basic pay and dearness allowance from 1st January, 2015. Settlement document has been annexed as Annexure R-2. It has been further submitted that the said settlement was ratified by the Chairman of the Commission though the role of the Commission is to the extent of grant of subsidy to those independent societies which manufacture cotton items. It has further been pointed out that the payment has been released to the petitioners in terms of settlement vide Annexure R-3.

In view of above, I am of the considered view that no cause of action survives in this contempt petition. Same is rendered infructuous and is hereby dismissed.

Needless to observe that in case petitioners still have any grouse, they can always avail alternative remedy.

February 21, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No