

COCP No. 1314 of 2017

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 1314 of 2017

DATE OF DECISION:3.10.2017

Joginder and others

.....Petitioners

Versus

SS Dhillon and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. RS Malik, Advocate
for the petitioners.

DAYA CHAUDHARY, J.

The petitioners have approached this Court by way of filing the present contempt petition on the ground that order passed by this Court in C.W.P. No. 22093 of 2013 on 10.3.2016 has not been complied with as all benefits have been granted.

While allowing the writ petition filed by the petitioners, the impugned order of termination was set aside and the petitioners were held entitled for all the consequential benefits.

Learned counsel for the petitioners contends that the petitioners are entitled for the benefits which have been granted to other similarly situated persons in pursuance of judgment of Hon'ble the Apex Court in the case of **State of Haryana and another Vs. Mohinder Singh and others** (Civil Appeal Nos. 7391-7395/2013), wherein, general directions were

issued that the said judgment would be applicable to all the employees, even to those also who did not approach the Court. Learned counsel further contends that the petitioners have approached this Court to challenge the order of termination, which was set aside and the petitioners were held entitled for all the consequential benefits.

Admittedly, the petitioners have filed the present contempt petition for non-compliance of order dated 10.3.2016 passed in C.W.P. No. 22093 of 2013. A perusal of aforesaid order clearly shows that the impugned order of termination was set aside and the petitioners were held entitled for all consequential benefits. While passing the aforesaid order, the judgment rendered by Hon'ble the Apex Court in **Mohinder Singh's case (supra)** was not referred but Hon'ble the Apex Court while dismissing the appeal filed by State of Haryana has specifically mentioned that this judgment would be applicable to all the employees, even to those who did not approach the Court.

In view of the above, no contempt is made out as only general directions were issued by Hon'ble the Apex Court and the petitioners without making any representation to the respondents-authorities have filed the present contempt petition. However, the present contempt petition is disposed of with a direction to the petitioners to make a detailed representation to the respondents in pursuance of judgment of Hon'ble the Apex Court in **Mohinder Singh's case (supra)** claiming all the benefits for which they are entitled. In case any such representation is moved within a period of one month from the date of receipt of copy of the order, the respondents are directed to consider the claim of the petitioners and pass necessary order in accordance with law and by considering the judgment of

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Hon'ble the Apex Court in **Mohinder Singh's case (supra)** as well within a period of two months thereafter.

Disposed of accordingly.

October 03, 2017 (DAYA CHAUDHARY)
pooja JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No