

COCP No.2316 of 2016

Manoj Kumar
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

COCP No.2316 of 2016

Date of Order: 01.05.2017

Satpal Singh

....Petitioner

Versus

G Vajralingam and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manish Dadwal, Advocate for the petitioner.
Mr. Anant Kataria, DAG, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner, who while working as Punjabi Teacher from the Secondary Education, Punjab claimed for grant of increments on account of having acquired higher qualification, by filing this contempt petition, has prayed for punishing the respondents for flouting the order dated 06.8.2013 passed by this Court in CWP No.9639 of 1995 observing as under:

“By the decision in LPA No.374 of 1994, it was held that the benefit of the circular dated 19.2.1979 would be granted only to those employees who were in service and had acquired the higher qualification before the date of the said circular. Consequently, in these writ petitions, those of the petitioners who fulfill this parameter would be entitled to such increment/s. Subsequently, in CWP No.3931 of 1992, Baldev Raj Mittal and others vs State of Punjab and others, another question arose as to whether such employees would get higher pay scales along with consequential benefits. Learned Single Judge disposed of the said writ petition by holding that consequential benefits

would also be admissible to these employees. However, the State of Punjab filed LPA No. 504 of 2012 and a Division Bench of this Court has stayed the operation of the order passed by the learned Single Judge in Baldev Raj Mittal and others' case (supra). Therefore, as regards consequential benefits, it is directed that even to such of the employees who fulfill the twin conditions as in L.P.A No.374 of 1994, the question of consequential benefits would be determined, pursuant to the decision in LPA No.504 of 2012 (supra). The respondents are directed to conduct the necessary exercise (except the grant of consequential benefits) within a period of three months from the date of certified copy of this order, and make necessary payments within three months thereafter. With regard to those employees, who are found to be not entitled, speaking order be passed.

Upon notice, a reply by way of short affidavit dated 13.2.1017 has been filed stating that in compliance of the order, a speaking order dated 17.11.2016 (R.1) has been passed thereby rendering the present petition incapable of any further relief being granted.

In view of the above, present contempt petition is dismissed as having become infructuous. Rule is discharged.

May 01, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No