

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

Date of decision:18.01.2017

Kulwant Singh and others

.....Petitioners

VS

S.K.Sandhu and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Baltej Singh Sidhu,Advocate for the petitioners
Mr.Anant Kataria,DAG Punjab for respondents 1 and 2.
Mr.Ashwani Prashar,Advocate for respondent no.3.
Mr.NS Vashisht,Advocate for respondents 4 and 13.
Mr.Harit Sharma,Advocate for respondents 5 and 7.
Mr.JS Khokhar,Advocate for
Mr.RS Pandher,Advocate for respondents 6,10,11,12,14,17,18
Mr.Sandeep Sharma,Advocate for
Mr.Veneet Sharma,Advocate for respondents 8 and 15.
Mr.IS Saggu,Advocate for respondents 9 and 16.

Jaswant Singh,J(Oral)

CM 159-CII/2017 has been filed on behalf of the petitioners for placing on record amended Memo of Parties, to which counsel for the respondents have no objection.

Accordingly, CM is allowed and amended Memo of Parties is taken on record. Registry to place the same at the appropriate place in the paper book and paginate the same.

Main case

25 petitioners are retrenched/surplus employees of various

Sugar/Spinning Mills. They were retrenched/declared surplus w.e.f. 1.1.1998 to 2003 from the rank of Senior Clerks, Junior Assistants and Senior Assistants. In terms of the rehabilitation policy floated by the Government they were absorbed as fresh appointees in various Cooperative Banks regulated by the Cooperation Department, Government of Punjab. Similarly placed employees had approached this Court seeking certain reliefs in terms of the policy, and their writ petition bearing CWP 2483/1999 was disposed of vide order dated 17.3.1999 and upon a Review filed, was substituted by order dated 28.9.1999 with five directions. One of the directions was as under:-

“(iv) On absorption, such an employee would be considered as a fresh appointee. However his pay would be protected and the past service would be counted for benefits like pension(if the post is pensionable) and other service benefits but not for seniority.”

Twenty five petitioners, pursuant to the policy, were appointed to the ranks of Clerk-cum-Data Entry Operators in the various District Central Cooperative Banks in Punjab.

Their grievance in the present contempt petition is that the aforesaid direction qua pay protection contained in the order dated 28.9.1999 has not been complied with by the successor employers.

Upon notice, separate replies have been filed by the Managing Directors of some of the Cooperative Banks. Apart from the above, at the time of hearing, it is a conceded position that most of the retrenched/surplus employees including most of the petitioners herein have since been extended the benefit of pay protection and in some cases their pay has been

Sugar/Spinning Mills, as the case may be.

Counsel for the respondent banks further state that all the petitioners herein have been granted the pay protection, however, if still there is some discrepancy, such employee(s) can make a representation to the Managing Director of the Bank concerned, which will be disposed of positively within three months from the date of receipt of such representation.

In view of the aforesaid agreed stand the present contempt petition is disposed of as having become infructuous with the direction that in case of any discrepancy, the petitioners would be at liberty to approach the Managing Director concerned for redressal of their grievance by making a representation and such representation(s) shall be positively decided by the Managing Director concerned within three months of receipt of such representation(s), by passing a reasoned order.

Ordered accordingly.

18.01.2017
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No