

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

COCP No. 3073 of 2017

Date of Decision: October 26, 2017.

Rajbir Singh

....Petitioner

Versus

R.R.Jowel and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. R.N.Sharma, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Notice of motion.

On the asking of court, Mr.Gaurav Jindal, Addl.A.G., Haryana
accepts notice on behalf of State of Haryana.

Petitioner alleges violation of order dated 15.5.2017 passed by
the writ court. Operative part thereof reads as under:-

“Even though the perusal of the judgments
does not contradict the assertion made by the Assistant
Advocate General yet that cannot be a complete
argument. If an argument is ignored in a judgment that
itself is a ground for filing an appeal but once the State
has allowed the judgment in Jaipal's and Baljeet's
(supra) to become final it now does not lie in its mouth
to say that even though this plea was abandoned in
those cases yet in this particular case this court should
decide the same.

In the circumstances, the writ petitions are
allowed and the orders withdrawing of pay scale are set
aside. The respondents are directed to give pay scale
benefit to the petitioners within 03 months from the

date of receipt of a certified copy of this order, failing which, the petitioners would be entitled to claim the same with interest @ 8% per annum on the amount/s from the date/s it fell due till the date of payments.”

Learned State counsel at the outset submits that in case no appeal is pending against the aforesaid order, needful shall be done at the earliest in any case not later than 2 months.

In view of above, no further direction is necessary. In case, fresh cause of action accrues to the petitioner to invoke the contempt jurisdiction of this court, exemplary costs shall be imposed which would be deducted from the salary of the officer(s) responsible for delay/non compliance.

Disposed of.

(Rajan Gupta)
Judge

October 26, 2017.

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No