

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

**COCF No.3316 of 2016(O&M)**

**Date of Decision:-09.01.2017**

**Kesar Singh & Ors.**

.....Petitioners.

Versus

**Ajoy Kumar Sinha & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. P.K. Goklaney, Advocate for the Petitioners.

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**JASWANT SINGH, J.(ORAL)**

Petitioners have preferred the instant contempt petition under Sections 11 & 12 of the Contempt of Courts Act, 1971 against the respondents for an alleged violation of order dated 23/09/1987 (**P-1**) passed by Presiding Officer, Industrial Tribunal, Patiala as well as Judgment passed in CWP Nos. 3228 of 1988 and 4817 of 1988.

Counsel for the petitioners has been heard at length.

It is argued by learned Counsel for the petitioners that although petitioners have been regularized, however they have not been given the benefit of promotion on the basis of seniority from their eligibility dates on which they became eligible for promotion which was ordered to be given through Award dated 23.09.1987 as well as Judgments passed by this court in CWP No. 3228 of 1988 and 4817 of 1988. Consequently, it has affected their seniority to the post of Junior Engineers in respondent department

because as per the seniority list prepared by the department, number of juniors to the petitioners have already been promoted vide office order dated 24.03.2015, who have now become senior to the petitioners. Hence, it is submitted that respondents are liable to be hauled up in contempt.

After hearing learned counsel for petitioner and perusing the paper book, this court is of the opinion that present petition is liable to be dismissed. A bare perusal of the award, judgments passed by this court and subsequent orders would reveal that there is no direction to the respondent department to promote the petitioners from a particular date and ahead of particular persons. In essence, the order passed by the Tribunal and this court are only to regularize their services with effect from the dates of their employment with the respondent-department as per their eligibility. Thus, respondent-department has complied with the orders passed by this Court as well as Tribunal. Hence, no ground for contempt is made out. In case the petitioners have any grievance with their seniority, etc. they have a fresh cause of action and should have taken any other appropriate remedy available under law.

In view of the above, present contempt petition is dismissed, being without any merit.

( JASWANT SINGH )  
JUDGE

January 09, 2017  
Vinay

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |