

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

**C.O.C.P. No.60 of 2016
Date of Decision: 27.02.2017**

Mandhir Singh Joshi and others

..... Petitioners

Versus

K.D.Chaudhry, Chairman and Managing Director,
Punjab State Power Corp. Ltd. (PSPCL), Patiala

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Saravpreet S. Gurna, Advocate for the petitioners.

Mr. Naveen S. Bhardwaj, Advocate for the respondent/contemner.

JASWANT SINGH, J. (Oral)

The petitioners on being promoted to the rank of Internal Auditor were claiming parity of pay scales w.e.f. 01.01.1986 as granted to the post of Head Clerk, as both the said posts along with the post of Office Assistant were promotional posts from the feeder cadre of Circle Assistant, as per the option exercised by the employees concerned. It was claimed that all the three promotional posts were always in the same pay scale and the anomaly has been created w.e.f. 01.01.1986 by granting higher pay scales to the identical promotional post of Head Clerk. The petitioners, fortified their stand vide order dated 21.01.2010, rendered by this Court in **CWP No.9294 of 1993** titled as **“Thana Singh and others Vs. The Punjab State Electricity Board and another”**, filed CWP No.5676 of 2014, which was allowed by this Court vide order dated 13.08.2015 (**Annexure P-1**) and the same is reproduced hereinbelow:-

“ Though, learned counsel for the respondent-Corporation has tried to point out that there is a difference in the category of employees who had filed CWP No.9294 of 1993, titled as Thana Singh and others Versus The Punjab State Electricity Board and another, which was allowed in favour of those petitioners vide judgment dated 21.01.2010, by a Coordinate Bench of this Court

(that judgment having been affirmed by the Division Bench), he obviously could not deny, in view of what is contained in that judgment itself, that the 'disparity' that he is now seeking to argue, between different categories of employees, has actually been dealt with by the Court.

In view of the above, this petition is allowed in the same terms as CWP No.9294 of 1993, which was affirmed by the Division Bench in LPA No.713 of 2010, vide judgment dated 28.09.2010. ”

Since the needful was not done within the stipulated time, hence the present contempt petition.

Upon notice, a reply has been filed, wherein it has been asserted that a common order dated 04.08.2016 with respect to the claimants, including the petitioners, has since been passed and the required pay scales w.e.f. 01.01.1986 have since been granted and the corresponding re-fixation of pay completed and the admissible dues released.

Learned Counsel for the petitioners submits that the exercise conducted pursuant to the order dated 13.08.2015 (**P-1**) has not been correctly undertaken, whereas learned Counsel for the respondent on the other hand submits that the order dated 04.08.2016 is a speaking order and, therefore, the order dated 13.08.2015 (**P-1**) stands fully complied with, however, if the petitioners still have the grievance, they have their individual remedy to first approach the Department and thereafter approach the Court.

In view of the above, no further action is warranted in the present contempt petition.

Accordingly, the present contempt petition stands dismissed as infructuous.

February 27, 2017

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(JASWANT SINGH)
JUDGE

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