

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

CWP No.11168 of 2015

Date of Decision:21.02.2017

Dev Raj and others

.....Petitioners

Vs.

Central Administrative Tribunal and others **.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. Barjesh Mittal, Advocate for the petitioners.

Mr. Raghav Goel, Advocate for respondents No.2 and 3.

SURYA KANT, J.(Oral)

The controversy pertains to claim of the petitioners for regularisation of their services. They earlier approached the Tribunal and their original application was disposed of on 17.9.2014 in terms of the directions issued by the Supreme Court in Civil Appeal No.6787 of 2009 decided on 3.4.2014 (U.T. Chandigarh & Another Vs. Sampat & Ors.).

The petitioners filed contempt petition before the Tribunal alleging wilful disobedience of the above stated order. The Tribunal, while deciding the contempt proceedings, has taken upon the task to decide the difference between 'work charge employees' and 'daily wage employees' and having found that there was no wilful or deliberate disobedience of its order, has dismissed the contempt petition. The said order is under challenge in these writ proceedings. In our considered opinion, no effective relief can be granted to the petitioners for regularisation of their

services either in contempt proceedings or in the instant writ petition. The effective remedy for them is to file an original application before the Tribunal for adjudication of their claim on merits. The writ petition is accordingly disposed of with liberty to the petitioners to file the original application. It is clarified that the order passed by the Tribunal in contempt proceedings shall not constitute res-judicata and the same shall have no bearing on the merits of the case.

**(SURYA KANT)
JUDGE**

**(SUDIP AHLUWALIA)
JUDGE**

21.02.2017

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No