

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

204

COCP No.1160 of 2014

Date of Decision: August 6th, 2018

Rakesh Kumar and others

...Petitioners

Versus

Shri K.D. Chowdary, IAS and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioners.

Mr. Vinod S. Bhardwaj, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court alleging non-compliance of the order passed by this Court on 12.11.2013 in COCP No.2382 of 2012, where this Court had observed after discharging the respondents in the contempt petition, to consider the eligibility of the petitioners for grant of consequential benefits by assigning a date of merger to them in this regard and take a decision in terms of the decision dated 02.03.2012 which was Annexure P-5 with the said contempt petition and now Annexure P-4, as expeditiously as possible preferably within a period of four months from the date of receipt of certified copy of the order.

2. Counsel for the petitioners contends that in pursuance to the order passed by this Court, referred to above, respondents have taken a decision dated 27.03.2014 (Annexure P-7), wherein the date of merger of the petitioners' cadre i.e. the Junior Meter Reader with the Lower Division Clerk has not been specified but has been said to be the date dependent upon their joining the said post because of different options

exercised by the employees at different period of time. This the counsel for the petitioners contends is violative of the earlier decision dated 02.03.2012 (Annexure P-4).

3. On the other hand, learned counsel for the respondents contends that there was no direction issued by this Court that the decision had to be taken as per the decision dated 02.03.2012. What was required and mandated was to consider the claim of the petitioners in the light of the decision dated 02.03.2012 and the same has been taken note of and a final decision taken in this regard on 27.03.2014. He, therefore, contends that the present contempt petition is misplaced and in case the petitioners are aggrieved of the said order, they may avail of the remedy in accordance with law.

4. I have heard the counsel for the parties at length and find myself in agreement with the contentions of learned counsel for the respondents.

5. In case the petitioners are not satisfied with the decision dated 27.03.2014 (Annexure P-7) taken by the respondents, they may avail of the remedy in accordance with law as no contempt is made out in the present case.

6. The petition stands disposed of accordingly.

7. Rule issued to the respondents stands discharged.

August 6th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No