

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

COCP No.227 of 2015

Date of decision : 09.01.2018

Partap Singh

.....Petitioner

Versus

Ms. Kavery Banerjee and another

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Namit Kumar, Advocate for the respondents.

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DAYA CHAUDHARY, J. (Oral)

Learned counsel for the respondents submits that an application was moved for clarification of order dated 15.09.2014 and that order has been clarified.

The present contempt petition has been filed for non-compliance of order/direction dated 15.09.2014 passed in CWP No.14609 of 2013. During pendency of the contempt petition, the case was adjourned on request of learned counsel for the respondents to move an application for clarification of order dated 15.09.2014 as to whether the petitioner is entitled for all consequential benefits or not. Learned counsel for respondents submits that CM No.16044-CWP of 2017 was moved in the main petition and following order has been passed therein : -

“This application seeks clarification of para 8 of

our order dated 15.09.2014 whereby the claim of non-applicant/petitioner for promotion against Group 'D' vacancy from the year 2002 was accepted by this Court "for all intents and purposes". Since the backwages were not expressly granted by this Court, there is no gainsaying that such a claim raised by the applicant/petitioner on the basis of order dated 15.09.2014 is not maintainable. However, the petitioner shall be at liberty to initiate independent proceedings to make out a case for award of backwages, if so advised.

Disposed of."

Vide order dated 15.09.2014, while disposing of the main petition, a direction was issued to respondent No.2 to call for the record and re-ascertain the petitioner's eligibility and consider his claim for notional promotion from the date his juniors were promoted. Said order has been clarified vide order passed in the application that the petitioner shall be at liberty to initiate independent proceedings to make out a case for award of backwages, if so advised. Meaning thereby, for claiming backwages, the petitioner is at liberty to avail the appropriate remedy.

Accordingly, no contempt is made out.

However, the petitioner is at liberty to claim the backwages.

Dismissed with said liberty.

09.01.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No