

COC-277-2012 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-277-2012 (O&M)

Date of Decision: 29th August, 2018

All India NHPC Diploma Engineers Council (Regd.)

...Petitioner

Versus

P. Uma Shankar, IAS & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Sanjeev Sharma, Senior Advocate, with
Mr. Shekhar Verma, Advocate
for the petitioner.

Mr. Namit Kumar, Advocate
for respondent No.1.

Mr. Ajit Puddusery, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-24097-CII-2013

Exemption is granted from filing certified and typed copy of
Annexure RA-1/1 and the same is taken on record on record, subject to all
just exceptions.

Application stands disposed of.

CM-19552-CII-2016

Exemption is granted from filing certified and typed copy of
Annexure R-A/1 and the same is taken on record on record, subject to all
just exceptions.

Application stands disposed of.

(2)

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CM-2550-CII-2012

Exemption is granted from filing certified and typed copies of Annexures P-1 to P-7 and the same are taken on record on record, subject to all just exceptions.

Application stands disposed of.

CM-19555-CII-2013

Exemption is granted from filing certified and typed copies of Annexures RA/1 to RA/7 and the same are taken on record on record, subject to all just exceptions.

Application stands disposed of.

CM-19556-CII-2013

Application is allowed, subject to all just exceptions.

CM-4923-CII-2015

Exemption is granted from filing original, certified and typed copy of Annexure R-A/1 and the same is taken on record on record, subject to all just exceptions.

Application stands disposed of.

CM-4924-CII-2015

Application is allowed, subject to all just exceptions.

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Petitioner-council has approached this Court alleging violation of the order dated 21.03.2011 passed by this Court in CWP No.19558 of 2007, whereby, directions were issued to the respondents to consider and take appropriate decision in the matter in accordance with law within a

period of six months from the date of receipt of copy of the order.

It is the stand of the respondents that in compliance with the order dated 21.03.2011 passed by this Court, an order dated 27.12.2013 has been passed by them, therefore, the order passed by this Court stands duly complied with. Counsel for respondents No.2 and 3 states that the order dated 27.12.2013 passed by the respondents has been conveyed to the petitioner-council vide communication dated 22.01.2014.

Learned senior counsel for the petitioner-council contends that as per the communication and the decision dated 13.09.2012 (Annexure R-A), petitioners are entitled to the pay-scales, as have been referred to therein, keeping in view the notification dated 25.06.1999 issued by the Department of Public Enterprises, which pay-scales have not been granted to them. In support of this contention, he refers to the affidavit of Mr. Kulbhushan Dogra, who is a petitioner, dated 26.09.2016, to contend that the pay-scales have not been granted to the petitioners as the granted pay-scales are lower than that of the feeder cadre, whereas, they are, as per the Department of Public Enterprises' notification referred to above, entitled to much higher pay-scale as given in Table 'B' at page Nos.99 and 100 of the paper-book. He, on this basis, contends that the order passed by this Court has not been complied with in toto.

I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the records of the case.

In the considered view of this Court, the Court while disposing

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of the writ petition preferred by the petitioner-council vide order dated 21.03.2011, had not made any observation with regard to the merits of the case or entitlement of the petitioners or otherwise. Since the matter was already pending consideration, the Court had only proceeded to direct the respondents to take a decision thereon. Rightly or wrongly, the decision has been taken by the respondents on 27.12.2013, which has been asserted by the learned senior counsel for the petitioner-council, not in accordance to the communication dated 13.09.2012 (Annexure R-A), which gives the petitioners the required benefits they are entitled to, which have not been released by the respondents.

If that be so, the petitioners may avail of their remedy in accordance with law as in the considered opinion of this Court, the order passed by this Court has been complied with. The present contempt petition, therefore, stands disposed of with above observations.

Rule issued to the respondents stands discharged.

CM-19829-CII-2017

In the light of the disposal of the main petition, the present application has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

29th August, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No