

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

**COCP 2824/2016
Date of decision: 8.2.2018**

Sarwar Singh and others

.....Petitioners

VS

C.G.Rajnikanthan and another

.....Respondents

Coram: Hon'ble Mr. Justice Jaswant Singh

Present:- Mr. DS Rawat, Advocate for the petitioners

Mr. Indresh Goel, Addl. AG Haryana for State of Haryana

Mr. Rajesh Dhankar, Advocate for respondent no. 2.

Jaswant Singh, J (Oral)

Petitioners, 21 in number working as teaching/non-teaching staff filed CWP 22900/2013 to revise their pay scales w.e.f. 1.1.2006 in accordance with letter dated 21.4.2010 whereby Government of Haryana took a policy decision to revise the pay scale of all teaching and non-teaching staff of privately managed non-Government aided schools w.e.f. 1.1.2006. The said writ petition was dismissed as infructuous vide order dated 2.8.2016, reproduced below:-

“Learned State counsel has produced a statement confirming that arrears of 6th Pay Commission and ACP benefits have been granted to the petitioners which renders the petition infructuous. Copy of this statement is taken on record as Mark 'A'.

Dismissed as infructuous”.

Now the instant contempt has been filed alleging disobedience of order dated 2.8.2016 (P-1) passed in view of the

statement Mark 'A' produced in CWP 22900/2013.

Upon notice, affidavit dated 3.4.2017 of S.S.Phulia, Director, Secondary Education Haryana,Panchkula has been filed stating therein that the management of the schools, where the petitioners are employed, failed to submit claim for reimbursement of the difference between the approved expenditure and approved income made during the previous year which apparently led to delay in implementation of the order dated 2.8.2016 passed by this order. In para 7 of the said affidavit it has been categorically stated that all the 21 petitioners have now executed receipts in token of receipt of arrears and ACP from District Education Officer,Sonipat and as such no arrears are pending against the Government. It is further stated that departmental action is being taken against the erring officials who failed to disclose the true facts to the Court at the time of decision of CWP 22900/2013. Besides, an unconditional apology has also been tendered.

In view of the contents of the affidavit noticed above, it is apparent that no willful disobedience of the order dated 2.8.2016 is made out.

Dismissed.

08.02.2018
joshi

(Jaswant Singh)
Judge

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