

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

**COCP No.3241 of 2015 (O&M)
Date of Decision: 12.02.2018**

JASPAL SINGH AND OTHERS

..... PETITIONERS

VERSUS

**ANUP GARG, CHAIRMAN, BRS DENTAL & HOSPITAL, NEAR
BARWALA, TEHSIL AND DISTRICT PANCHKULA.**

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anirudh Kush, Advocate for the petitioners.

Mr. Arjun Pratap Atma Ram, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

The four petitioners are the erstwhile Class-IV employees of BRS Dental College & Hospital and also the office bearers of the Employees Union (Regd.) of the said College. The reference *qua* their alleged termination was decided by the Tribunal/ADJ, Panchkula vide judgment dated 18.02.2014, whereby they were given liberty to join their duties and services and seeking the consequential reliefs, as the finding was that there was no termination order.

Since the petitioners were not permitted to join in compliance of the aforesaid Award, they filed CWP No.16061 of 2015, which was disposed of vide order dated 06.08.2015 (**Annexure P-1**) with the following

operative portion:-

“ Keeping in view the aforementioned facts, I dispose of the present writ petition with a direction to respondent No.4 to give joining report/appointment to the petitioners, in pursuance to the directions contained in the order dated 18.02.2014, with all consequential benefits, as directed and in order to avoid uneventful joining. I further direct the Assistant Labour Commissioner to depute a Clerk or any other responsible person, as and when the petitioners appear before the Management, while submitting applications for joining. With the aforementioned observations, writ petition stands deposed of. ”

The present contempt has been filed with the allegation that the aforesaid directions have not been complied with as the petitioners have not been permitted to join back.

Upon notice, a reply has been filed, wherein it is stated that the joining reports of the petitioners were accepted on 07.09.2015, however, they were placed under suspension vide order dated 08.09.2015 in view of the contemplated inquiry. Subsequently, the charge-sheet(s) dated 18.12.2015 for remaining absent from service were issued and an Inquiry Officer was appointed. The Inquiry Officer has submitted a report dated 19.02.2016, returning the findings against the petitioners-employees. After issuance of show cause notice(s), alongwith inquiry reports, fresh termination orders dated 01.03.2016 already stand passed against the petitioners.

After hearing learned counsel for the petitioners and scrutinized the aforesaid pleadings, this Court finds no ground to invoke contempt

jurisdiction against the respondent, therefore, the present contempt petition is dismissed.

However, the petitioners are free to seek their remedy available in accordance with law.

February 12, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

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