

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11528 of 2018.

Date of Decision: May 09, 2018

Surinder Kumar and others

.....Petitioners

versus

Sh.B.L.Sharma, IAS and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Jagtar Kureel, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are working as TGT (Work Experience Instructors) in the Education Department, Chandigarh Administration. They seek quashing of the order dated 15.12.2017 vide which the Central Administrative Tribunal, Chandigarh Bench has dismissed their contempt petition alleging willful breach and disobedience of the order dated 02.06.2017 passed by the said Tribunal in OA No.060/00649/2017.

[2] It is true that there were more than one round of litigation between the petitioners and Chandigarh Administration, especially with regard to their claim for pay-scale as well as the benefits of services rendered by them as Work Experience Instructors before their designation as Trained Graduate Teachers.

[3] The contempt proceedings in question, however, arose out of a brief order dated 02.06.2017 passed by the Tribunal which reads as under:-

“....1. The main contention of learned counsel, at this stage, is that although the applicants served a legal notice dated 12.04.2017 (Annexure A-7), for redressal of their grievance, but no decision has yet been taken on it by the competent authority.

2. Having heard learned counsel for the parties, having gone through the record, with their valuable and without

expressing any opinion on the merits, lest it may prejudice the case of either side, the instant OA is disposed of, with a direction to the Secretary, Education, Chandigarh (Respondent No.1) to decide the indicated legal notice, by passing a speaking order, and in accordance with law, within a period of two months from the date of receipt of certified copy of this order.....”

[4] In purported compliance of the above-stated order, respondent No.1 passed an order dated 01.11.2017, the operative part whereof reads as follows:-

“...5. After going through the contents of legal notice dated 12.4.2017, order of Hon'ble CAT dated 2.6.2017, recommendation of committee and relevant provisions of Chandigarh Education Service (School Cadre) Recruitment Rules, 1991 as amended from time to time, undersigned is of the considered view that there is no provision in Chandigarh Education Service (School Cadre) (Group-C) Recruitment Rules, 1991 as amended from time to time to promote Work Experience Instructor directly to the post of PGT. Work Experience Instructor is separate cadre and the members of the said cadre are to be promoted to the post of Master/Mistresses and not PGT. For promotion to PGT, the feeder cadre is TGT as per the Recruitment Rules notified vide No.DPI-UT-S1-11(14) 91/Spl. Dated 06.02.1991 and as amended from time to time. Accordingly, the request of the applicants to place in the seniority list of Master/Mistress for promotion to the post of PGT is hereby considered and rejected.....”

[5] The petitioners filed contempt proceedings alleging that the directions issued by the Tribunal on 02.06.2017 have not been complied with in true letter and spirit. The Contempt Petition, nevertheless, has been

Chandigarh Administration regarding compliance of its order, hence, rule stands discharged with liberty to the petitioners to raise their grievance before an appropriate forum.

[6] Still aggrieved, the petitioners have filed the instant writ petition.

[7] We have heard learned counsel for the petitioners at a considerable length and gone through the record.

[8] Since the only direction issued by the Tribunal was to decide the legal notice in accordance with law and by way of a reasoned order, it does appear that the said direction stood complied with vide order dated 01.11.2017. True that there was some delay in passing the said order but that *per se* does not mean willful breach or disobedience of the Court directions. In such a situation, the Tribunal is right in disposing of the contempt proceedings with liberty to the petitioners to challenge the order dated 01.11.2017 whereby their claim has been turned down by way of a reasoned order. We do not find any error in the exercise of its jurisdiction by the Tribunal, to call for any interference by this Court. Needless to say that if the petitioners are aggrieved by the speaking order, the appropriate remedy for them would be to lay challenge to the said order dated 01.11.2017 by way of appropriate proceedings.

[9] With liberty aforementioned, the writ petition stands disposed of.

[SURYA KANT]
JUDGE

May 09, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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