

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

COCN No. 1110 of 2018

DECIDED ON: SEPTEMBER 06, 2019

BRAHAM PARKASH AND OTHERS

.....PETITIONERS

VERSUS

RAJNARAYAN KAUSHIK

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.K. Yadav, Advocate
for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 30.10.2017 passed in CWP No. 22197 of 2017.

The operational part of the order is quoted below:-

“4. Consequently, these petitions are allowed in the same terms as Neelam Ranis' case (supra), with the competent authority amongst the respondents directed to consider the case of each of the petitioners for stepping up their pay scales to the level of their juniors, as per the ratio of the aforesaid judgment, and to pass a speaking order thereafter. The speaking order shall be passed in the case of each petitioner/identical set of petitioners within a period of 4 months from the date of receipt of a certified copy of this order.

5. If the case of each/any petitioner(s) is found to be covered by the decision in that case, the arrears of difference of pay be released to them within another period of 3 months thereafter, but with such arrears restricted to a period of 3 years and 2 months prior to the date of filing of the petition before this Court, by each particular petitioner.

On such arrears, the petitioners would also be entitled to interest @ 6% per annum, as was granted in Neelam Ranis' case.

6. It needs to be noticed that in Neelam Ranis' case, it is seen that no restriction of payment of arrears was ordered, but that was obviously for the reason that she had stated that she was drawing less salary than her juniors from 01.07.2009, with the petition having been filed in the year 2010 itself, i.e. soon thereafter, hence there was obviously no need to restrict the arrears."

Learned State counsel has filed a short reply by way of an affidavit of Sh. Maheshwar Sharma, Director Elementary Education Haryana, annexing the order dated 28.06.2019. Reply is taken on record, copy handed over to the counsel for the petitioners.

Learned State counsel submits that the costs of ₹5000/- has been deposited.

In view of afore-said reply, learned counsel for the petitioners submits that no cause of action survives for pursuing the present petition. However, he seeks liberty to avail remedy in accordance with law against the order 28.06.2019.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondent stands discharged.

SEPTEMBER 06, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***