

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

Date of Decision: 30.09.2019

(i) COCP No. 1867 of 2013

Balwinder Singh and others

.....Petitioners

Versus

Ms. Vini Mahajan and another

.....Respondents

(ii) COCP No. 2535 of 2013

Hakam Singh and another

.....Petitioners

Versus

Ms. Vini Mahajan and others

.....Respondents

(iii) COCP No. 2523 of 2013

Ram Dass

.....Petitioner

Versus

Ashok Nayyar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Arora, Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG Punjab and
Mr. Aditya Sharda, AAG Punjab.

AVNEESH JHINGAN, J.(oral)

Learned counsel for the parties are ad idem that the core issue in all the three contempt petition is similar, hence, these are being disposed of by common order.

Reply by way of additional affidavit of Dr. Rita Bhardwaj, Director Health Services (F.W.), Punjab, has been filed today and the same is taken on record.

In pursuance of order dated 14.8.2019, Mr. Anurag Aggarwal, Principal Secretary, Health and Family Welfare, Punjab, is present.

The writ petition was filed by the petitioners raising a grievance with regard to 50% of the Cadre of Multi Purpose Health Workers be granted selection grade/Sr. Scale of 1350-2400. The petition was allowed on 4.10.2012. The order dated 13.4.2011 withdrawing the benefit of selection grade from the petitioners was quashed. However, liberty was granted to respondent/State to pass a fresh order with regard to grant of selection grade after complying with the Principles of natural justice and after finalizing the seniority list pertaining to Multi Purpose Health Workers (Male).

It would be pertinent to note that the writ Court considered the fact that seniority lists prepared in the year 1995-97 were tentative.

This Court has been apprised by placing on record a final seniority list dated 28.3.2011 which has further been amended on 25.9.2019 and the name of the retired employees were removed from the seniority list. Some of the petitioners have got the selection grade.

To comply with the directions of this Court, an order dated 4.2.2013 was passed. The respondent realizing that the said order was passed without affording an opportunity of hearing, a letter dated 11.3.2013 was circulated for personal hearing so that the earlier order can be revised. Another order dated 31.10.2013 was passed after hearing 36 petitioners out of total 79.

The only grievance surviving in the present contempt petitions is that all the petitioners should have been granted opportunity of hearing.

To resolve the issue, the petitioners are directed to remain present in the office of respondent No.2 i.e. Director, Health and Family Welfare, Punjab, Chandigarh, at 11:00 a.m. on 16.10.2019 and thereafter the needful be done including within two months thereafter. Petitioners will be supplied copy of amended seniority list.

In view of above, the contempt petition is disposed of.

It is however, clarified that no separate notices would be issued by the respondents to petitioners for attending the personal hearing.

In case there is grievance against the order passed by respondent or seniority list finalised, the petitioners would be at liberty to avail remedy in accordance with law.

30.09.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No