

COCP No. 1856 of 2018
DECIDED ON: JULY 17, 2019

RUPINDER KAUR AND ORS

.....PETITIONERS

VERSUS

ANJALI BHAWARA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikas Chatrath, Advocate
for the petitioners.

Mr. Aditya Sharda, AAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed alleging willful disobedience of the order dated 17.05.2017 passed by this Court in CWP No. 17003 of 2011. The operational part of the order is reproduced below:-

“13. This writ petition is being disposed of by giving a direction to the respondents to grant the said wages in consonance with the law as settled in **Jagjit Singh's case supra**. The petitioners would be entitled to the said benefit from the date the judgment was rendered that is from 26.10.2016 and the benefits should be released to them within a period of six months on receipt of a certified copy of this order. As far as the claim of regularization is concerned the respondents are directed to consider the claim of the petitioners either under the instructions of 2011 or under the Act of 2016. The consideration for regularization should also done within a period of six months and if eligible necessary orders be issued.

14. The writ petition stands allowed accordingly.”

Earlier respondents had filed a reply dated 19.12.2018 annexing an order dated 23.05.2018. During the contempt proceedings vide order dated 25.01.2019 respondents were directed to pass an afresh order by dealing with the para 7 and 5.

In compliance of order dated 25.01.2019, learned State counsel has filed an additional affidavit of Dr. Avneet Kaur, Director Health Services (Family Welfare), Punjab, Chandigarh annexing an order 27.02.2019, on behalf of respondent No.2 in Court today. The same is taken on record and copy supplied to the counsel for the petitioners.

One of the aspect in the present case is for regularization of the petitioners. Their case was to be considered in accordance with instructions dated 18.03.2011 as well as “The Punjab Ad-hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016” (hereinafter referred to as 'Act 2016'). Claim of the petitioners have been rejected under 2011 instructions holding them ineligible. With regard to the Act 2016, challenge to the vires is pending in this Court, the State has filed an affidavit in the said writ petitions that the Government has decided to repeal the Act 2016 and replace it with a new Bill, which is under process.

Vide order dated 27.02.2019 the claim of the petitioner under 2011 instructions has been rejected, giving rise to a fresh cause of action to the petitioners. It has further been mentioned that the claim of the petitioners will be considered later after finalization of the proposed Bill. It has further been pleaded that the direction of this Court with regard to the grant of equal wages has been complied with.

A grievance is raised by the petitioners that equal wages has not been correctly granted. This aspect will not be considered in contempt proceedings.

No case is made out for willful disobedience of order dated 17.05.2017.

Dismissed.

Rule issued against the respondents stands discharged.

The petitioners would be at liberty to avail remedies in accordance with law, if they are aggrieved of the orders dated 23.05.2018 and 27.02.2019 or by calculation of equal wages.

JULY 17, 2019
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(AVNEESH JHINGAN)
JUDGE

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