

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

**COCN No. 1970 of 2016**

**Date of Decision: 10.09.2019**

Ram Singh (Retd.) and others

.....Petitioners

**Versus**

Sh.A.K. Gupta and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**Present:** Mr. Naveen Daryal, 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 order dated 26.2.2014 passed in CWP No. 9825 of 2011.

The operational part of the order is reproduced below:

*"Counsel for the petitioners states that in view of the reply filed by the respondents, the present writ petition qua petitioners No. 2 to 5 has been rendered infructuous.*

*Disposed of as such qua petitioners No.2 to 5.*

*He further states that in the light of Ordinance No.6 of 2013, notified on 10.12.2013 by the Government of Haryana, prays for withdrawal of the present writ petition qua petitioners No.1, 6 and 7 with liberty to file fresh one on the same cause of action and to challenge the said ordinance therein.*

*Dismissed as withdrawn qua petitioners No.1, 6 and 7 with liberty aforesaid."*

A joint petition was filed by seven petitioners claiming that they were holding a technical post but were not matriculate. A claim was made that as per notification dated 23.8.1990 the technical pay scale should be

given to the petitioners. On 26.2.2014 in view of the reply filed, learned

counsel for the petitioners stated that petition was rendered infructuous qua petitioners No. 2 to 5 and the same was disposed of accordingly. Learned counsel for the petitioners further stated that there was an Ordinance No.6 of 2013, notified on 10.12.2013 by the Government of Haryana, he sought permission for withdrawal of the writ petition qua petitioners No. 1, 6 and 7 with liberty to file fresh one on the same cause of action and to challenge the ordinance.

Learned counsel for the petitioners argues that a statement was given by the respondents for disposal of CWP No. 9825 of 2011, the same was not adhered to, respondents are liable to be proceeded against for contempt.

Learned State counsel submits that petitioners have already filed a writ petition bearing No. 23890 of 2014 for the same cause of action and challenged the ordinance. He further submits that as per the reply filed in the contempt, it has been duly explained that no actual benefit were given to petitioners prior to the ordinance.

The contention raised by learned counsel for the petitioners is not well founded. There was no statement made by the the respondents for disposal of the writ petition. It was the counsel for the petitioners who prayed for permission to withdraw the writ petition on behalf of petitioners no. 1, 6 and 7 to file fresh for the same cause of action. It would be pertinent to note that thereafter he has filed a writ petition on the same cause of action raising his grievance and challenging the ordinance of 2013.

No case is made out for contempt.

Dismissed.

Rule issued against the respondents stands discharged.

(AVNEESH JHINGAN)  
JUDGE

10.09.2019  
reema

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