

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

222

COCP-1950-2018(O&M)

Date of Decision : May 01, 2019

MUKESH KUMAR AND ORS

.....Petitioners

VERSUS

RAJINDER KUMAR SABHARWAL

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. G.S.Gopera, Advocate for the petitioners.
Mr. Prateek Mahajan, Advocate for the respondent.

NIRMALJIT KAUR, J. (Oral)

CM-4088-CII-2019

Counter affidavit on behalf of the petitioners and photo copies of statements are taken on record. Filing of their certified copies is exempted.

CM stands disposed of.

COCP-1950-2018

The present contempt petition is filed for non-compliance of the order dated 10.8.2017 vide which a direction was issued to pay the arrears for approximately two years at the initial rate which they were being paid.

Learned counsel for the petitioners states that there was a specific direction to pay the arrears of pay to the petitioners which has not been done and secondly the minimum of pay scale has not been given to them in terms of the judgment rendered in the case of State of Punjab and others Vs. Jagjit Singh and others.

Reply is filed. As per the said reply, the order has been duly complied with. Both the issues have been dealt by them by passing of a speaking order dated 5.12.2018 which is placed on record as Annexure R-1. It is stated therein that the wages to the petitioners have not been reduced for the period from 3.6.2014 to 5.6.2016 and the wages were paid to the petitioners from lower rate to the higher rates as tabulated in the said speaking order and, hence, the petitioners are not found for any arrears of wages to be payable as they have already been given wages on the higher side. With respect to the minimum of the pay scale, it is stated that they are not liable to be paid as their duties are not comparable with the regular staff. Although, this Court does not agree with the said reasoning as the direction was to pay the minimum of pay scale and not regular pay scale, this Court is not in a position to set-aside the speaking order in its jurisdiction while hearing the contempt petition as the direction was only to consider. Moreover, the similar set of contempt petitions have already been disposed of vide order dated 17.12.2018 with liberty to the petitioners to challenge the similar speaking orders in accordance with law.

Accordingly, at this stage, the contempt petition is disposed of with liberty to the petitioners to challenge the speaking order dated 5.12.2018 in accordance with law, if so advised.

Rule issued against the respondent(s) is discharged.

May 01, 2019

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(NIRMALJIT KAUR)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No