

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 2820 of 2017
Date of decision: 13.12.2019

Radhey Shyam and others

.. Petitioners

v.

P. Raghvendra Rao and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

**Present: Mr. Rupinder Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for the peitioners.**

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

...

AVNEESH JHINGAN, J. (Oral)

The petitioners filed a writ petition seeking directions to the respondents for pay parity with their counter-parts in Public Health Engineering Department, Panchkula. The writ petition was allowed on 18.11.2015. The relevant portion of the judgment is quoted below:

“In view of the above, prayer of the petitioners is accepted and instant petition is disposed of with a direction to the respondents to look into the issue of parity of pay of the petitioners with their counter parts in the Public Health Engineering Department, Panchkula keeping in view the fact that the petitioners are more qualified educationally and also perform multifarious functions as against limited

functions performed by their counter parts in the Public Health Engineering Department, Panchkula. Let needful be done as expeditiously as possible but not later than four months from the date of receipt of the certified copy of this order.”

The present petition was filed pleading non-compliance of the directions of this Court.

During the pendency of the contempt petition, on 29.3.2019, it was observed that claim of the petitioners have not been considered after providing opportunity of hearing. The learned counsel for the State took time to seek instructions.

Today affidavit dated 11.12.2019 of Dr. Saket Kumar, IAS, Commissioner, Food and Drugs Administration, Haryana filed in Court is taken on record, copy handed over to learned counsel for the petitioners. With the affidavit, order dated 10.12.2019 is annexed. As per the said order, the claims of the petitioners have been partly accepted, i.e. they have been given pay scale of 6500-10500 on notional basis w.e.f. 1.6.1996 and on actual basis from 18.11.2015, i.e. the date of decision of the writ petition. The decision is subject to outcome of the LPA proposed to be filed,

Learned counsel for the petitioners submits that *albeit* there is compliance of the directions of this Court, still the grievance survives that benefit has been wrongly calculated on notional basis w.e.f. 1.6.1996 to 17.11.2015. He further submits that no actual payment is made till date.

The grievance raised with regard to notional pay fixation does not fall within the ambit of present contempt proceedings, as there is substantial compliance of the judgment. The issue raised gives rise to fresh

cause of action.

Learned counsel for the State, on instructions from Mr. Vijay Kumar, Assistant O/o Commissioner, Food & Drugs Administration, Haryana submits that the payment would be credited in the accounts of the petitioners within eight weeks from today. It is further contended that details of calculation of amount found due also will be provided to the petitioners within said period.

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

The petitioners would be at liberty to avail remedies in accordance with law for redressal of the surviving grievances.

It is further clarified that in case the amounts are not credited in the accounts of the petitioners within the stipulated period, they would be at liberty to revive the contempt petition.

(AVNEESH JHINGAN)
JUDGE

13.12.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No