

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 3065 of 2014
Date of decision: 17.7.2019

Gulshan Rai and others

.. Petitioners

v.

Vikas Pratap and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Gosain, Advocate for the petitioners.
Ms. Deepali Puri, Additional Advocate General, Punjab.

...

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 1.8.2013 passed by this Court in CWP No. 21171 of 2012.

The claim of the petitioners was rejected as they were working as Work Munshis and were not covered under notification dated 21.11.2011. Writ petition was filed by the petitioners challenging the notification dated 21.11.2011 whereby promotional avenues to the post of Junior Engineer were made. The notification was upheld by this Court, however, the order passed rejecting the claim of the petitioners was set aside and following observations were made:

“If the Competent Authority, however, on an objective consideration of the material finds that the duties of Work Munshis/Mechanists are not technical in nature or that they

are not entitled to be promoted as Junior Engineers, in that event, the Work Munshis/Mechanists need to be provided some alternative promotional avenues.”

Learned counsel for the petitioners argues that the respondents have not complied with both the observations made by this Court. He argues that firstly the competent authority had to decide whether the work done by Work Munshis is technical in nature or not and in case it was not technical in nature, alternative promotional avenues need to be provided.

Learned counsel for the respondents states that the competent authority vide order dated 21.8.2014 has concluded that the work done by Work Munshis is not technical in nature. With regard to the second aspect, she places reliance on the reply filed by way of affidavit of Geeta Singla, Chief Engineer (Vigilance), Water Resources Works, Punjab. It is pleaded that in order to provide alternative promotional avenues to Work Munshis, the category of Work Munshis has been included in Punjab Irrigation Department Canal Patwaris (Group-C) Service Rules, 2016 by making amendment in the said Rules. It is submitted that vide said amendment, promotional avenues have been provided to the Work Munshis.

Learned counsel for the petitioners states that pay scale of Canal Patwari is ₹10300-34800+3200 whereas the petitioners were already getting that said pay scale.

Learned counsel for the respondents states that the scale was wrongly given to the petitioners and the said correction has been made vide order dated 25.5.2018.

From the revised pay scales attached with the affidavit, it is forthcoming that the pay scale for a Work Munshi i.e. Technician Grade-I is

₹10300-34800+3200 and Technician Grade-II is ₹5910-20200+2400..

Learned counsel for the petitioners fairly states that the order correcting the pay scale of the petitioners has not been challenged by them.

In such circumstances, no case is made out for contempt as the order of this order has been complied with in letter and spirit.

The present petition is dismissed.

The Rule is discharged.

(AVNEESH JHINGAN)
JUDGE

17.7.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No