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

COCP-3587-2017

Date of Decision: April 09, 2019

Bhim Sain and another
Versus

.....Petitioners

Raj Narain Kaushik

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.J.L.Goyal, Advocate for the petitioners.

Mr.Ravi Partap Singh, AAG, Haryana.

.....

NIRMALJIT KAUR, J. (ORAL)

Today, learned counsel for the respondents has pointed out that the order dated 20.03.2019 has been passed erroneously by the Coordinate Bench directing the respondents to make payment in terms of the pay being granted to Pawan Kumar with a further direction that the needful be done subject to payment of ₹25,000/- as costs. Today, learned counsel for the respondents has placed on record the order passed way back on 22.03.2018 showing that pay of the petitioners was at par with his junior Pawan Kumar and, therefore ₹25,000/- costs imposed on the respondents should be reimbursed.

The said argument may have some merit, but for the fact that the respondents themselves filed the reply by way of affidavit dated 21.03.2018 stating therein that the petitioners have been paid pay as per their junior Ramesh and that the pay at par with Pawan Kumar will be fixed subsequently. Thus, the very affidavit was incorrectly filed. In case the affidavit was correctly filed after taking into account the record, the time of

the Court would not have been wasted and the respondents would not have

been held liable for costs of ₹25,000/- Thus, in these circumstances, this Court does not deem it appropriate to order the reimbursement of the said costs.

In this view of the matter, no useful purpose would be served in continuing with the contempt petition. The same is hereby dismissed.

The rule issued against the respondent(s) stands discharged.

April 09, 2019
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |