

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

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2017.11.20 17:04
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COCp-668-2016

Date of Decision: 18.11.2019

Rajiv Aggarwal

... Petitioner

vs.

G. Vajralingam and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Tarun Singla, Advocate, for the petitioner.
Ms. Deepali Puri, Additional Advocate General, Punjab.

AVNEESH JHINGAN, J.(ORAL)

The writ petition filed by the petitioner challenging the fixation of *inter se* seniority was allowed on 01.12.2015. A direction was issued to the respondents to re-draw the seniority by reflecting the position in accordance with proviso (i) to rule 11 of Punjab State Education (Primary School Cadre) Class III Service Rules, 1978. It was further recorded that as the State admitted that the juniors to the petitioner have been promoted, therefore, the petitioner shall be entitled to all consequential benefits including monetary benefits flowing therefrom.

As the needful was not done, Sections 10 and 12 of Contempt of Courts Act, 1971 were invoked. During the pendency of the contempt petition, reply dated 08.11.2016 was filed annexing order dated 18.05.2016, according to which, seniority of the petitioner was re-fixed and consequential benefits have been calculated. There is no dispute that consequential benefits have been paid to the petitioner.

However, there is a controversy with regard to calculation of monetary benefits, for its decision would require factual findings and reliance on record.

Considering the said fact, the contempt petition is disposed of with liberty to the petitioner to move a representation within four weeks from today giving his detailed calculation. The respondents shall decide the same in accordance with law, after providing an opportunity of hearing. The needful shall be done within three months from the date of receipt of the representation. In case, any amount is found due, the same shall be paid immediately.

In case, there is a grievance against the order passed by the respondents, the petitioner shall be at liberty to avail the remedy in accordance with law.

(AVNEESH JHINGAN)
JUDGE

18.11.2019
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No