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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1405-2019

DATE OF DECISION: 11.09.2019

MUKHVIR SINGH AND ORS

.. PETITIONERS

VERSUS

S.K. SANDHU, SECRETARY TO GOVT. AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Vivek Sharma, Advocate
for the petitioners.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

Writ petition filed by the petitioners was allowed on 18.10.2016 with the direction to the respondents to consider the case of the petitioners in view of decision in *Mrs. Menka and others Versus State of Haryana and others, 2016 (4) S.C.T. 540*. Needful was required to be done within two months from the receipt of certified copy of the order and in case, the petitioners were found entitled to relief, the same was to be granted from the date of decision of the SLP filed against order of Full Bench of this Court passed in *Avtar Singh Vs. State of Punjab, 2012 (1) PLR 1*.

Pursuant to notice of motion, a short reply by way of affidavit of Ms. Indu Malhotra, Director Public Instructions (Colleges) Punjab, SAS Nagar, filed in Court, is taken on record. A copy of the same is handed over

to learned counsel for the petitioner. Alongwith reply, order dated 06.09.2019 has been annexed. As per the said order, the petitioners have been allowed to continue on their posts till the regular selection is made and they are being paid honorarium for 12 months instead of 10 months, meaning thereby, that they are being paid for vacations also.

The claim of the petitioners that they are entitled to honorarium of Rs. 25,000/- per month was rejected by stating that State of Punjab has not implemented the judgment of Menka's case (supra) as it was a case relating to State of Haryana.

Learned State counsel, on instructions from Varinder Kumar, Associate Professor in Commerce NJSA, Government College, Kapurthala, submits that the arrears of petitioner No. 1 have been paid and there is nothing due towards petitioners No. 2 and 3. He further states that the detailed calculation of the arrears with regard to petitioner No. 1 would be given within two weeks. He further submits that the order, with regard to petitioners No. 2 and 3 that they are not entitled to any monetary benefits, would be communicated to them as well.

Learned counsel for the petitioners submits that in view of the order dated 06.09.2019, the only grievance survives with regard to amount of honorarium. He states that in view of the statement made today in Court, no cause of action survives for pursuing the contempt proceedings. However, he seeks liberty to avail remedies in accordance with law, if petitioner No. 1 is aggrieved from the calculation of arrears, rejection of claim of Rs. 25,000/- as honorarium and if so advised, with regard to rejection of claim of arrears of petitioners No. 2 and 3.

In view of the above, the contempt petition is disposed of as infructuous with liberty as prayed for.

Rule issued against respondents is discharged.

11th September, 2019

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*