

109(H)

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

Date of Decision: 18.07.2019

1. COCP No.1632 of 2019 (O&M)

Daya Nand and others

Petitioners

Versus

Dhanpat Singh, IAS, Financial Commissioner-cum-Principal
Secretary, Transport Department, Haryana and another

Respondents

2. COCP No.1685 of 2019 (O&M)

Ranbir Singh and others

Petitioners

Versus

Dhanpat Singh, IAS, Financial Commissioner-cum-Principal
Secretary, Transport Department, Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Lochab, Advocate
for the petitioners.

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

AVNEESH JHINGAN, J (Oral):

These two contempt petitions have been filed pleading
wilful disobedience of order dated 17.01.2018 passed in bunch of
writ petitions, main petition being CWP No.9028 of 2014.

The writ petition filed by the petitioners was allowed in view of directions given by this Court in ***Ram Kanwar and others Vs. State of Haryana and others 2017(2) PLR 449.***

The relevant portion of decision of this Court in ***Ram Kanwar's*** case (supra) is reproduced below:-

“In the facts and circumstances presented in the pleadings of the parties, there is much to be said either way. However, the difficulty remains in implementation of the admitted benefits due and at the same time the case presents a latent challenge to the 1995 Rules which challenge can only go only before the Division Bench. It may be noted that when this petition was admitted, writ petitions went to the Division Bench unlike today, where matters go to Single Bench where the vires of Rules are not in question.

Accordingly, so far as the admitted benefits are concerned, the petitions are allowed. Those benefits be calculated and paid to the petitioners as is the rightful due. However, so far as other issues are concerned, the petitions are dismissed with liberty to the petitioners to challenge the 1995 Rules in accordance with law before the appropriate Bench. The benefits under this order as admitted by the State in its written statement be computed and paid within six months from the date of receipt of certified copy of this order.

Both the petitions stand disposed of accordingly.”

Learned State counsel produces copy of order dated 20.06.2019 whereby the petitioners have been held entitled to salary/wages of 8 holidays i.e. 3 national and 5 festive holidays, same is taken on record. Copy of order is handed over to learned counsel for the petitioners.

Learned counsel for the petitioners states that following petitioners have not received amount in lieu of 8 holidays:-

<u>COCP No.1632 of 2019</u>	
Petitioner Number	Petitioner's Name
22	Ragbir Singh (C.N.273)
<u>COCP No.1685 of 2019</u>	
Petitioner Number	Petitioner's Name
3	Yashpal (C.N.182)
22	Raj Singh (Sub Inspector)
34	Devender Singh (C.N. 258) {wrongly typed in the MOP as D.N. 258}
38	Paramjit (C.N. 384) {wrongly typed in the MOP as D.N. 384}
41	Japan Singh (D.N. 06)
49	Anil Kumar (D.N. 281)

Learned State counsel states that needful will be done with regard to aforementioned petitioners, within four weeks from today.

In view of statement made, contempt petitions are disposed of as infructuous.

Needless to add that petitioners will be at liberty to challenge orders passed by respondents in accordance with law.

Rule issued against the respondents stands discharged.

[AVNEESH JHINGAN]
JUDGE

July 18, 2019
pankaj baweja

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No