

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

Date of decision: 29.08.2019

1. COCP No. 1797 of 2019

Ram Kumar & Ors.

.. Petitioners

Versus

Anirudh Tiwari & Anr.

.. Respondents

2. COCP No. 1801 of 2019

Krishna Devi

.. Petitioner

Versus

Anirudh Tiwari & Anr.

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajeshwar Singh Thakur, Advocate, for the petitioners.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

These are two contempt petitions arising from the decision of this Court dated 30.08.2018, whereby C.W.P Nos. 21106 of 2013 and 28468 of 2013 were allowed. The relevant portion of the order is reproduced below:

“Keeping in view the fact that the matter has been already sent by respondent No.2 to the Sixth Pay Commission and in view of the admitted position as indicated above, the present petitions are allowed. The respondents are directed too grant pay w.e.f 01.12.2011 alongwith other allowance as admissible to them and further grant pay scale of Rs.15600-39110+5400 grade pay w.e.f 07.07.20136, the date when she had been promoted from the post of Reader-II to the post of Reader-I till 31.03.2015 (the date of superannuation of petitioner Krishna Devi) with the period of three months from the date of receipt of certified copy of the judgment.”

Replies filed by way of affidavits of Sh. KAP Sinha, IAS, Principal Secretary, Department of Food Civil Supplies & Consumer Affairs, Punjab, today in Court, are taken on record. Copies of the same are handed over to learned counsel for the petitioners. Along with replies the orders dated 14.06.2019 have been annexed.

Learned State counsel submits that as per the directions of the Court, revised pay-scale has been fixed and the monetary benefits have been paid to the petitioners.

Learned counsel for the petitioners states that though pay has been fixed but the allowances have been wrongly rejected as not admissible.

The said grievance cannot be gone into in the present contempt petitions. The direction of this Court was to grant the revised pay-scale along with the “*other allowances as admissible*”.

The dispute as to whether the allowances are admissible or not give rise to a fresh cause of action. The petitioner would be at liberty to avail the remedies in accordance with law.

In view of the above, the contempt petitions are dismissed with liberty as aforesaid. Rule issued against respondents is discharged.

August 29, 2019
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(AVNEESH JHINGAN)
JUDGE

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