

117 (5 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) COCP-2177-2020
Date of Decision: 16.10.2020

Devinderpal Singh Sandhu and another ...Petitioners
V/S

K.A.P. Sinha and others ...Respondents

2) COCP-2180-2020

Chander Lekha Sood ...Petitioner
V/S

Anirudh Tiwari and others ...Respondents

3) COCP-2192-2020

Roshan Lal and others ...Petitioners
V/S

D.K.Tiwari and ors ...Respondents

4) COCP-2206-2020

Bimal Kanish and another ...Petitioners
V/S

K.A.P Sinha and others ...Respondents

5) COCP-2213-2020

N.D. Goyal and others ...Petitioners
V/S

KAP Sinha ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. H.S. Dhindsa, Advocate
for the petitioners in COCP-2177-2020.

Mr. Satwant Singh Rang, Advocate
for the petitioner in COCP-2180-2020.

Mr. Vikas Singh, Advocate
for the petitioners in COCP-2192-2020.

Mr. Rajesh Bhatehja, Advocate
for the petitioners in COCP-2206-2020.

Mr. Vijay Sharma, Advocate
for the petitioners in COCP-2213-2020.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. This order shall decide COCP-2177-2020, COCP-2180-2020, COCP-2192-2020, COCP-2206-2020 and COCP-2213-2020, as identical point is in issue in all the Contempt Petitions. Facts of the case are being taken from COCP-2177-2020.
3. Learned counsel contends that vide order Annexure P/1 dated 24.05.2017, in CWP No.28518 of 2013 and other connected writ petitions, orders impugned therein, dated 01.07.2011, 01.12.2011 and 23.05.2013, were quashed and the respondents directed to include NPA in the basic pay of pre-01.01.2006 retirees and also to calculate their pension w.e.f. 01.01.2006 along with arrears w.e.f. 01.01.2006, while interest was granted for a period of 38 months from the date of filing of the writ petitions, with the exercise of re-fixation of pension of the petitioners, who were pre-01.01.2006 retirees to be completed within three months from the date of receipt of certified copy of the order and thereafter for release of revised pension with arrears and interest. It was further directed that the same benefits be also extended to other similarly situated employees, who had not approached the Court.
4. Learned counsel contends that the petitioners, who were similarly

situated as the petitioners in CWP No.28518 of 2013 and connected cases, served legal notice Annexure P/6 dated 16.06.2020 on the respondents seeking compliance of order dated 24.05.2020, passed in CWP No.28518 of 2013 and other connected writ petitions, but no action has been taken on the same till date.

5. Notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for non-compliance with the orders of this Court dated 24.05.2017.

6. Ms. Deepali Puri, Addl. AG, Punjab, accepts notice on behalf of the respondents and on instructions from Mr. Sumender Singh, Nodal Officer, Litigation Department of Health and Family, Punjab, Chandigarh, states that order of this Court dated 24.05.2017, could not be complied with earlier due to large number of cases as well as due to circumstances prevailing on account of Covid-19 pandemic. Learned counsel states that in case ten weeks more time is granted, claim of the petitioners would be decided subject to the outcome of LPA No.2388 of 2017 as well as MA No.1809 of 2020, in SLP No.7730 of 2019.

7. The same satisfies learned counsel for the petitioners who states that in view of the assurance he does not press the contempt petition at this stage.

8. Accordingly, in view of the statement of learned counsel for the parties, the Contempt Petitions are disposed of as not calling for any orders except directing the competent authority to do the needful in compliance with the order of this Court dated 24.05.2017, in CWP No.28518 of 2013, in case

within ten weeks from today. However, the same shall be subject to the outcome of LPA No.2388 of 2017 as well as MA No.1809 of 2020, in SLP No.7730 of 2019. Needless to mention, in case the needful is not done within the stipulated period of time, the petitioners would be at liberty to move an application for revival of the Contempt Petition.

(B.S. Walia)
Judge

16.10.2020

'Amit-Rajesh'

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