

[104] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

COCN No.3474 of 2019  
Date of Decision :22.09.2022

Joginder Pal ...Petitioner

versus

K. Shiva Prasad, IAS, Secretary, Department  
of Transport, Punjab, Sector 9, Chandigarh ....Respondent

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

Present : Mr. Lovish Rattan, Advocate for  
Mr. Surinder Sharma, Advocate  
for the petitioner.

Mr. Ayush Sarna, Asstt. AG, Punjab.

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B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiation of proceedings against the respondent(s) for intentional and willful defiance of order, Annexure P-1, dated 07.09.2017, in CWP No.20158 of 2017 in case titled as '**Joginder Pal versus The State of Punjab through its Secretary, Department of Transport, Punjab, Sector 9, Chandigarh and others**'.

[2] A perusal of order (Annexure P-1) reveals that CWP No.20158 of 2017 was disposed of by directing the Secretary, Department of Transport, Punjab, Chandigarh to look into the grievances of the petitioner as contained in representation dated 28.06.2017 and decide the same in view of the decision of this Court in CWP No.13262 of 2012 in case titled as 'Narinder Pal Singh and others versus State of Punjab and others', decided on 29.03.2016 by passing a speaking order within three months from the date of receipt of certified copy of the order.

[4] However, learned Asstt. AG, Punjab, has produced copy of order dated 14.07.2017, as well as order dated 16.12.2019. The same are taken on record. Copies thereof supplied to learned counsel for the petitioner.

[5] A perusal of order dated 14.07.2017 reveals that the Finance Department vide letter dated 17.03.2017 had already recommended to the 6<sup>th</sup> Pay Commission to step up the pay of General Manager, Deputy Director, Chief Store & Purchase Officer above the post of AME's, therefore, it was felt that there was no need to consider representation dated 28.06.2017 differently, while as per order dated 16.12.2019, the petitioner, who is a General Manager has been granted the scale of Rs.9200 – 13900 and 15600 -39100 + 5700 Grade pay w.e.f. 01.01.1996 and 01.01.2006 respectively and on instructions from Shri Lalit Kumar, Senior Assistant, office of the Director State Transport the learned AAG states that decision was taken not to make payment of any arrears to the petitioner.

[6] The aforementioned communications are taken on record. Copies thereof supplied to learned counsel for the petitioner. Likewise, statement made by the learned AAG on instructions of Shri Lalit Kumar, Senior Assistant, office of the Director State Transport is also taken on record. Learned Counsel for the petitioner on perusal of the aforesaid communications as well as consideration of the statement by the learned AAG on instructions of Shri Lalit Kumar, Senior Assistant, office of the Director State Transport, states that in view of the petitioner having been

press the instant petition but prays for grant of liberty to challenge the action of the respondent in denying arrears by way of appropriate proceedings, in accordance with law.

[7] In view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner, as prayed for.

**(B.S. Walia)**  
**Judge**

22.09.2022  
'Rajneesh'

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|-----------------------------------|---|---------------|
| <i>Whether speaking/ reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>         | : | <i>Yes/No</i> |