



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCN No. 993 of 2023 (O&M)
Date of Decision: 05.09.2024

Shiv Dhan

..... Petitioner

Versus

Sh. Jagdish Chander, IFS, Principal Chief Conservator
of Forests, Forest Department, Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankur Sheoran, Advocate for
Mr. Samrat Malik, Advocate, for the petitioner.

Mr. Pawan Kumar Longia, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition, seeks initiation of contempt proceedings against the respondents, alleging willful disobedience of the order dated 15.11.2022 (**Annexure P-1**) passed by this Court in CWP No. 8938 of 2016, the operative para Nos. 3 to 6 thereof are extracted hereunder:-

“3. *Apropos, though no formal return till date has been filed to the writ petition, which was also amended subsequently, but learned State counsel in the course of hearing today has handed over a copy of order dated 21.05.2019, which is taken on record and marked as Annexure “A”, which inter alia reads as under:*

“4. As per detail given above and continuity given by the Ld. Labour Court vide award dated 10.09.2003, the petitioner fulfils the conditions of regularization policy 2003 and is entitled for regularization w.e.f. 1.10.2003 as per regularization policy of 2003.

5. *It is pertinent to mention here that the petitioner was working as daily wage labourer and*

was not working against a sanctioned post. Therefore, the services of the petitioner would be regularized after creation of one post of Labourer (Group-D) by the government as per regularization policy of 2003. The case for creation of one post of Labourer (Group-D) is being sent separately through proper channel. However, petitioner will be entitled for payment of the arrears of regular pay scale restricted to 38 months prior to the date of actual regularization order and other benefits will be granted to the employee as per Chief Secretary to Government, Haryana U.O.No.6/20/2018-1GSI dated 21.12.2018.

I order accordingly.”

4. *In view of the aforesaid, nothing survives for adjudication before this Court. Accordingly, instant writ petition is disposed of as infructuous.*

5. *In case, benefit of regularization with effect from 01.10.2003 has not been accorded to the petitioner, including all admissible consequential benefits arising therefrom, the needful be done within a period of two months from today.*

6. *Disposed of in above terms. ”*

[2] In response, learned counsel for the respondents, on instructions from the quarter concerned, submits that though the services of petitioner as Sharmik (Group-D) have been regularized w.e.f. 01.10.2003 in the pay scale of Rs. 2550-55-2660-EB-60-3200 plus usual allowance as admissible under the rules, however, the post against it needs to be created; which process may take around two months. He, on instructions, further undertakes that the consequential benefits in favour of the petitioner shall be released within a period of two months from today.

[3] In view of the above assurance / undertaking, learned counsel for the petitioner does not press the present petition at this stage and wishes to withdraw the same with liberty to seek its revival, in case the needful is

not done within the afore-stated stipulated period.

[4] **Ordered accordingly.**

[5] Also, it is made clear that in an eventuality, wherein the petitioner is compelled to approach this Court seeking revival of the contempt petition, the respondent(s) shall bear the costs of Rs.1,00,000/- towards litigation expenses incurred by the petitioner.

[6] Rule stands discharged.

September 05, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>