



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCN No. 4207 of 2024 (O&M)
Date of Decision: 29.01.2025

Dr. Parminder Singh and others
..... Petitioners

Versus

Sh. Kamal Kishore Yadav, Principal Secretary,
Govt. of Punjab, Deptt. of Higher Education, Punjab
and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sameer Sachdeva, Advocate, for the petitioners.

Mr. Athar Ahmad, Deputy Advocate General, Punjab
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition, seek initiation of contempt proceedings against the respondents, alleging willful non-compliance of an order dated 05.09.2024 (**Annexure P-1**) passed by this Court in **CWP No. 17744 of 2017**, titled "***Parminder Singh and others Versus State of Punjab and others***", which reads as under:-

“ In the present petition, the challenge is to the order dated 28.10.2015 (Annexure P-1) by which, the benefit of increment granted on promotion was withdrawn.

Learned counsel for the petitioners submits that vide order dated 03.07.2024, the benefit has already been restored to the petitioners and only the consequential benefits are to be paid.

Learned counsel for the respondents submits that in case any consequential benefit is to be paid in terms of the order dated 03.07.2024, the same will be released to the petitioners within a period of 8 weeks from the receipt of copy of this order.

Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the State as well as the order passed dated 03.07.2024, the present petition may kindly be disposed of as having been not pressed any further.

Ordered accordingly.

Pending application, if any, also stands disposed of.”

[2] Subsequently, on an application filed on behalf of the respondent-State, an order dated 14.01.2025, came to be passed, the same is extracted hereunder:-

“ Present application has been filed for recalling of the order dated 05.09.2024, which was disposed of as having been not pressed.

Learned counsel for the applicant/respondent-State submits that according to the State, prima facie, the petitioners are not entitled for the benefits which were extended to them on the basis of which the writ petition was disposed of.

Learned counsel for the applicant/respondent-State further submits that keeping in view the fact that the benefit of the increment was wrongly given to the petitioners, the State intends to give due notice to the petitioners to show cause why the benefit should not be withdrawn and after considering the reply only, appropriate decision will be taken whether, the petitioners are allowed to be continued with the benefit or not.

Learned counsel for the non-applicant/petitioners submits that in case any show cause notice is given to the petitioners, the petitioners will present correct fact which would show that the petitioners were entitled for the benefit which was extended to them but liberty be given to the petitioners that if in case any order causing prejudice to them will be passed, they can avail appropriate remedy before appropriate forum.

The present application is disposed of with the observation that before any order is passed by the respondent-State, the petitioners be given due opportunity to represent and any objection taken by the petitioners or fact brought to the notice of the Department, same be taken into account to decide whether the grant of relief in favour of the petitioners was rightly given or not with the further liberty in case any order is passed against the petitioners to their prejudice, they will have liberty to avail appropriate remedy for the redressal of their grievance. ”

[3] In view of the aforementioned order dated 14.01.2025, learned counsel for the respondents, on instructions from the quarter concerned, submits that the applicants-petitioners shall be called upon through notices within a period of two weeks from today, to which, they can file their replies within two weeks thereafter and after affording them an opportunity of hearing, a fresh order shall be passed within a period of six weeks thereafter; thus, he, submits that no further orders are required to be passed in the present petition.

[4] In view of the above undertaking, no cause survives in the present petition, the same is **disposed off** accordingly.

[5] Needless to say that the recovery / re-fixation *qua* the claim of petitioners shall not be given effect till the passing of fresh order.

[6] Rule stands discharged.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

January 29, 2025

'dk kamra'

(HARKESH MANUJA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No