



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111+207

CACP-50-2024 (O&M)

Date of Decision: 14.02.2025

Pankaj Aggarwal and another

....Petitioners

Versus

V.N.Grover and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ankur Mittal, Additional Advocate General, Haryana
Ms. Svaneel Jaswal, Additional Advocate General, Haryana
Mr. P.P.Chahar, Sr. Deputy Advocate General, Haryana
Mr. Saurabh Mago, Deputy Advocate General, Haryana
Mr. Gaurav Bansal, Deputy Advocate General, Haryana and
Mr. Karan Jindal, Assistant Advocate General, Haryana.

Mr. Karan Bhardwaj, Advocate
Mr. Jatin Kaushik, Advocate and
Mr. Pardeep Kumar, Advocate
for the respondents.

Sureshwar Thakur, J. (Oral)

1. The present respondents were assigned relief as becomes enclosed in the operative part in the decision recorded by this Court on 18.10.2023, upon CWP No.17248 of 2012. The said operative part is extracted hereunder:

“In view of the aforesaid, the order dated 18.2.2013, become unsustainable in law and is, accordingly, set aside. The respondents are directed to assign the next higher standard pay scale in service after the pay scale Rs.4100-5300, to the promotional posts of Executive Engineer and Superintending Engineer w.e.f. 1.5.1989 to 31.12.1995, and release all



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consequential benefits including arrears of salary/revised pay scales to members of petitioner association, who were working on those posts during the period, within six weeks from receiving a certified copy of the judgment. The arrears of salary shall carry interest at the rate of nine per cent per annum from 2.6.1989 to the date of actual payment. No costs.”

2. Since the supra extracted operative part of the relief assigned to the present appellants was not granted to them, therebys the present respondents asserted that, as such the present appellants have wilfully and intentionally disobeyed, the verdict passed by this Court in writ petition supra, wherebys they were led to institute contempt petition bearing COCP No.4708 of 2024 before this Court. On the said contempt petition, the hereinafter extracted order became passed on 27.11.2024. The said order has brought grievance to the present appellants and had led them to, thereagainst institute the present contempt appeal before this Court.

“Notice of motion.

On asking of the Court, Mr. Manish Dadwal, AAG, Haryana, accepts notice on behalf of the respondents and prays for two weeks’ time to file the compliance report.

Considering the fact that the direction to consider the claim of the petitioner(s) was passed on 18.10.2023, a period of more than 01 year and 01 month has elapsed, thus, in case the compliance report is not filed within the aforesaid stipulated period, the Officer concerned shall join the proceedings through video-conferencing and would be liable to pay litigation cost(s) to the petitioner(s) to the tune of Rs.50,000/- from his/her own pocket.

Requisite copies of the paper-books be supplied to learned opposite counsel by learned counsel for the petitioner(s) during



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course of the day.

List on 19.12.2024.

To be shown in urgent list.”

3. Though, it is orally submitted that the present appellants had raised an LPA bearing No.1679 of 2024 before the LPA Bench of this Court, wherebys they challenged the judgment pronounced by this Court on 18.10.2023. Nonetheless, it is also fairly conceded at the bar today by the learned Additional Advocate General, Haryana, that the said LPA became dismissed on 17.01.2025, wherebys the decision made by this Court in civil writ petition supra, became affirmed.

4. Now, this Court is required to be aluding to the orders passed by this Court on 19.12.2024, order whereof becomes extracted hereinafter, wherebys this Court had stayed the operation of further proceedings as became undertaken by the learned Contempt Bench of this Court.

“Court notice to the counsel for the respondents be issued returnable for 14.02.2025.

In the meantime, and till further orders, the operation of the impugned order dated 27.11.2024 shall remain stayed besides the further proceedings in respect of the contempt petition concerned, are also stayed to be launched.”

5. However, the learned Contempt Bench of this Court, without awaiting for a verdict becoming recorded upon the present contempt appeal, but has proceeded to make the hereinafter underlined extracted order on 19.12.2024, wherefrom, the instant contempt appeal, which has arisen from the contempt petition, but may become rendered infructuous.

“Learned State counsel representing the respondents



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informs that the order passed by the Writ Court has been stayed in an Intra-Court Appeal i.e. CACP-50-2024.

In view of the above, learned counsel for the petitioners does not press the present petition at this stage, however, with liberty to seek revival of the present petition, subject to final outcome of the CACP.

Dismissed as not pressed with the aforesaid liberty.

Rule stands discharged.”

6. Therefore, the learned Additional Advocate General, Haryana, becomes aggrieved from the learned Contempt Bench, thus after closing the contempt petition, yet permitting the present respondents to revive the contempt petition.

7. The learned Additional Advocate General, Haryana, intimates this Court, that since the State of Haryana, is instituting an SLP against the verdict recorded by the LPA Bench in the supra LPA. Therefore, he prays that the above extracted order passed by the learned Contempt Bench of this Court in COCP-4708-2024, whereby after closing contempt proceedings, yet it has endowed liberty to the present respondents to revive the contempt petition. To support the said arguments, he submits that thereby, the present appellants would be subjected to the ill consequences of the democles sword becoming made to hangover over the heads of the officers concerned, despite, an SLP being likely filed against the decision made by the LPA Bench, whereons, may be a verdict favourable to the present petitioners, rather may become rendered.

8. In sequel, uptill the making of affirmation by the Apex Court viz-a-viz the decision passed by the LPA Bench, thus thereupto, there would be no



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enforceable cause of action to the present respondents. As such, till the said decision is passed and also till it is willfully and intentionally disobeyed by the present appellants, therebys alone, there would be an accrual of a fresh cause of action viz-a-viz the present respondents and not earlier, as has been at this stage endowed to the present respondents, through the assigning of (supra) liberty by the Contempt Bench.

9. The said argument appeals to the judicial conscience of this Court, and the said part of the order is interfered with, but with liberty to the present respondents, that only when the Hon'ble Apex Court affirms the judgment passed by the LPA Bench of this Court or declines the relief of ad interim stay, besides when *prima facie* there is intentional and willful disobedience, to the passed apposite verdict by the Hon'ble Supreme Court, on the apposite SLP, as becomes laid before it within the period of limitation, against the decision passed by the LPA Bench of this Court, qua then upon a fresh cause of action accruing, whereupon, it is open to the present respondents to institute a contempt petition.

10. Disposed of along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

February 14, 2025
Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No