
(2006) 09 P&H CK 0212
In the Punjab And Haryana At Chandigarh
Case No : COCP No. 326 of 2006

Balwinder Singh

APPELLANT

Vs

Shri A.K. Dubey, IAS and Others

RESPONDENT

Date of Decision : 01-09-2006

Acts Referred:

Citation : (2006) 09 P&H CK 0212

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Advocate : R.K. Arora, for the Appellant; G.S. Cheema, D.A.G., for the Respondent

Judgement

Surya Kant, J.—The petitioner, along with one another, approached this Court by way of CWP No.18935 of 2002 which was allowed vide order dated 29.1.2004 in terms of the order dated 21.11.2003 passed in CWP No. 16997 of 2001 (Tara Singh etc. v. State of Punjab and Ors) wherein a direction had been issued to confirm them as Head Constables with effect from the dates their juniors were confirmed and then to consider them for promotion from the year 1988-89.

2. Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

3. In response to the show cause notice, the respondents put in appearance and the matter was heard at length. Thereafter, having realized that the directions issued by this Court were not properly complied with, the respondents have done the exercise and an additional affidavit dated 4th May, 2006 has been placed on record along with copy of an order dated 2nd May, 2006 passed by the Director General of Police, Punjab whereby the petitioners have been confirmed as Head Constables retrospectively and have also been promoted to the rank of ASI from the due date. Learned Counsel for the petitioner, however, contends that neither the consequential arrears of pay, as a result of retrospective promotion, have been paid to the petitioner nor is he being paid salary of the promotional post

even after his promotion vide order dated 2nd May, 2006. After hearing Learned Counsel for the parties and having regard to the fact that the directions issued by this Court have been substantially complied with, this petition is disposed of with a direction to the respondents to grant the promotional pay scale to the petitioner forthwith and to release his salary in that pay scale, if already not granted. As regards to the consequential arrears on account of retrospective promotion, liberty is granted to the petitioner to raise this claim before an appropriate forum, if so advised.

4. Rule discharged.