

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION
CONTEMPT PETITION (CIVIL) NOS.566-567 OF 2020
IN
CIVIL APPEAL NOS.3920-3921 OF 2017

JOGINDER PAL SINGH & ANR.

...PETITIONERS

VERSUS

ARUN KUMAR GUPTA & ANR.

...ALLEGED CONTEMNORS/
RESPONDENTS

ORDER

While disposing of Civil Appeal Nos.3920-3921 of 2017 by order dated 31.07.2019, certain directions were passed by this Court as under:-

“(a) The three posts of Studio Assistants shall stand redesignated on and w.e.f. 10.10.2008 to the level of Lecturers.

(b) However, none of the incumbents including the appellants shall be entitled to any arrears of pay on account of such upgradation till 7.2.2019, nor shall they be entitled to claim any seniority on account of such re-designation being given effect to from 10.10.2008.

(c) Since the re-designation to the post of Lecturer is given effect to from 2008, if there be any regularly appointed lecturer during the period from 10.10.2008 to 7.2.2019, the three incumbents including the appellants shall not be entitled to claim seniority over such appointees.

(d) However, their services shall be reckoned from the concerned date i.e. 10.10.2008 as Lecturers and appropriate

benefits including the scale of pay, upgradation and retiral benefits shall be afforded to the three incumbents including the appellants.”

Soon thereafter, following order was passed on 09.10.2019 by the Adviser to the Administrator, Union Territory, Chandigarh:

“In pursuance of the orders dated 31.7.2019 of the Hon’ble Supreme Court of India passed in the Civil Appeal No.3920-3921/2017 in SLP (C) No.22230-31 filed by J.P. Singh & Others, Sh. Pawan Kumar, Smt. Shobha and Sh. Joginder Pal Singh, Studio Assistants are hereby re-designated as Lecturers (now as Assistant Professors) w.e.f. 10.10.2008 in the pay scale of Rs.15600-39100+6000 GP on notional basis.

2. As per AICTE guidelines, the benefit of Senior Scale (in AGP 7000/-) is hereby granted to Sh. Pawan Kumar and Smt. Shobha on completion of 06 years of services i.e. w.e.f. 10.10.2014 on notional basis and to Sh. Joginder Pal Singh after completion of 05 years of service w.e.f. 10.10.2013 as he has done MFA degree in the relevant discipline in June 2012. Further, the benefit of Selection Grade i.e. AGP Rs.8000/- is granted to Sh. Joginder Pal Singh after completion of 05 years service in AGP Rs.7000/- w.e.f. 10.10.2018 on notional basis.

They shall not be entitled to claim any seniority and arrears.”

However, a stand was taken by the Department that in the absence of any teaching experience and the API Score, no benefit could be afforded to the appellants. Thereafter, a Revised Order was passed on 18.01.2020 by the Adviser to the Administrator, Union Territory, Chandigarh as under:

“In partial modification of this Administration’s order dated 09.10.2019 bearing Endst. No.20/1/2-IH(2)-2019/17097 dated 18.10.2019, the benefit of Selection Grade (Stage-3)

i.e. AGP Rs.8000/- granted to Sh. Joginder Pal Singh, Assistant Professor w.e.f. 10.10.2018 will now be reconsidered on notional basis after processing by the Screening-cum-Evaluation Committee constituted under the Chairmanship of the Special Secretary Technical Education. The rest of the contents of the order dated 09.10.2019 shall remain the same.”

Aggrieved, the appellants have approached this Court seeking appropriate directions in our contempt jurisdiction.

Pursuant to the notice dated 28.10.2020 issued by this Court, a response has been filed.

We have heard Mr. P.S. Patwalia, learned Senior Advocate for the Contempt Petitioners and Mr. Nikhil Goel, learned Advocate for the alleged contemnors.

In our view, the matter was correctly understood and the implications of the order passed by this Court were rightly translated in the order dated 09.10.2019 passed by the Adviser to the Administrator. The subsequent attempts on part of the Department and the Revised Order passed by the Adviser to the Administrator, in our considered view, was not the correct appreciation of the entitlement of the appellants.

Without going into the question whether the concerned authorities were in contempt or not, in our view, ends of justice would be served if the following directions are passed:

- a. The order dated 09.10.2019 passed by the Adviser to the Administrator, Union Territory, Chandigarh shall be the final order in the matter;
- b. All benefits in terms of the order dated 09.10.2019 shall be made over to the appellants; and
- c. In case any difference in retiral benefits is allowable, the differential component shall be made over within four weeks from today.

Ordered accordingly.

With the aforesaid observations, these Contempt Petitions stand disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
DECEMBER 08, 2020

ITEM NO.15

COURT NO.4

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT. PET.(C) Nos.566-567/2020 in C.A. Nos.3920-3921/2017

JOGINDER PAL SINGH & ANR.

Petitioner(s)

VERSUS

ARUN KUMAR GUPTA & ANR.

Respondent(s)

(IA No.82125/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT)

Date : 08-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Tushar Bakshi, AOR

For Respondent(s) Mr. Nikhil Goel, AOR
Mr. Naveen Goel, Adv.
Mr. Dushyant Sarna, Adv.
Mr. Vinay Mathew, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Contempt Petitions are disposed of, in terms of the Signed Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the File)