

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NOS. 39-40/2016 IN C.A. NOS.6691-6692/2015

GURDAS SINGH & ANR.

PETITIONER(S)

VERSUS

SARVESH KAUSHAL & ORS.

RESPONDENT(S) /
ALLEGED CONTEMNOR(S)

WITH

CONTEMPT PETITION (C) NO. 364/2016 IN C.A. NOS. 6691-6692/2015

CONTEMPT PETITION (C) NOS. 38-39/2017

O R D E R

1. Though we find force in the submission made by the learned counsel appearing for the respondents/alleged contemnors that these are not cases for contempt, having regard to the overall justice of the matter, we are of the view that there is no point in relegating the parties for further litigation, particularly taking note of the fact that there is only one person remaining in service, namely, Subhash Chander.

2. In the peculiar facts of this case, we direct the respondents/alleged contemnors to accommodate Mr. Subhash Chander and give a quietus to the whole dispute.

3. As far as the remaining issues are concerned, we note that the State has graciously agreed to give them the scale of Lecturer and senior scale and condone the period of absence. The remaining fifteen

persons have superannuated, we are informed.

4. No doubt, as rightly contended by the learned counsel appearing for the State, except the appellants the rest of them should have sought an appropriate clarification from this Court regarding the equitable relief extended to the appellants. Again, having regard to the fact that all are similarly situated and all of them have retired from service, we are of the view that to do complete justice between the parties it is not necessary to relegate them for another round of litigation. The whole lot of sixteen will be treated equally and their pensionary benefits will be settled accordingly.

5. All the persons concerned are directed to furnish the required information to the Director, Department of Higher Education, State of Punjab within a period of three weeks from today. Thereafter, their cases shall be processed for the purpose of the original scale, senior scale and condonation of absence etc. and pension shall be settled and all the benefits due to them shall be disbursed within six months from the date of submission of the documents by the person concerned. In case, any one of the superannuated person has expired, needless to say that the benefits will be extended to their legal heirs. We make it clear that in case there is delay beyond the period of six months, referred to above, all the pensioners will be entitled to interest at the rate of 12% from the date of superannuation and the officers responsible for the delay shall be personally liable for the same.

6. Contempt notice is discharged and the contempt petitions are disposed of.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
AUGUST 23, 2017.

ITEM NO.18

COURT NO.6

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

CONTEMPT PETITION (C) NOS. 39-40/2016 IN C.A. NOS. 6691-6692/2015

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WITH CONMT.PET.(C) NO. 364/2016 IN C.A. NO. 6691-6692/2015
CONMT.PET.(C) NO. 38-39/2017

Date : 23-08-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. A. Sharan, Sr. Adv.
Ms. Aprajita Mukherjee, Adv.
Ms. Rigzen Yangdol, Adv.
Mr. Ranjan Mukherjee, AOR
Mr. Samarth Khanna, Adv.

Mr. A. Sharan, Sr. Adv.
Ms. Aprajita Mukherjee, Adv.
Ms. Rigzen Yangdol, Adv.
Mr. Tushar Bakshi, AOR
Mr. Samarth Khanna, Adv.

Ms. Monika Arora, Adv.
Mr. Harsh Ahuja, Adv.
Mr. Sarad Kumar Singhania, AOR

For Respondent(s) Ms. Uttara Babbar, AOR
Ms. Akanksha Choudhary, 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.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR

(Signed order is placed on the file)