

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO.399 OF 2020
IN
SPECIAL LEAVE PETITION (CIVIL) NO.25389 OF 2011

BAHADUR SINGH & ORS.

Petitioner(s)

VERSUS

JASPREET KAUR TALWAR & ORS.

Respondent(s)

WITH

CONTEMPT PETITION (CIVIL) NO.400 OF 2020
IN
SPECIAL LEAVE PETITION (CIVIL) NO.32267 OF 2011

AND

CONTEMPT PETITION (CIVIL) NO.401 OF 2020
IN
SPECIAL LEAVE PETITION (CIVIL) NO.33885 OF 2011

O R D E R

1. We have heard Mr. Ajay Bansal, learned Advocate in support of the contempt petitions and Ms. Ranjeeta Rohatgi, learned Advocate for the State.

2. The instant Contempt Petitions arise out of the Order dated 10.01.2018 passed by this Court disposing of Special Leave Petition preferred by the Principal Secretary, Government of Punjab, PWD Public Health & Others, in terms of the judgment rendered by this Court in *State of Punjab & Ors. v. Jagjit Singh & Ors.*, (2017) 1 SCC 148.

3. Paragraph 55 of the decision in *Jagjit Singh (supra)* was to the following effect:

"55. In view of all our above conclusions, the decision rendered by the Full Bench of the High Court in *Avtar Singh v. State of Punjab* [*Avtar Singh v. State of Punjab*, 2011 SCC OnLine P&H 15326 : ILR (2013) 1 P&H 566] , dated 11-11-2011, is liable to be set aside, and the same is hereby set aside. The decision rendered by the Division Bench of the High Court in *State of Punjab v. Rajinder Singh* [*State of Punjab v. Rajinder Singh*, 2009 SCC OnLine P&H 125] is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in *State of Punjab v. Rajinder Kumar* [*State of Punjab v. Rajinder Kumar*, 2010 SCC OnLine P&H 13009], with the modification that the employees concerned would be entitled to the minimum of the pay scale, of the category to which they belong, but would not be entitled to allowances attached to the posts held by them."

4. Notably, the expression "pay" was considered by this Court in Contempt Petition (Civil) Nos.699-700 of 2015, *Tej Singh and Others v. Sarvesh Kaushal and Ors.*, arising out of decision dated 11.05.2015 in *Grah Rakshak, Home Guards Wel. Asso. v. State of H.P. & Others* and connected matters, Civil Appeal No.2759 of 2015 Etc. In its order dated 04.05.2016 passed in said Contempt Petitions, this Court observed:

"After hearing learned counsel for the parties, we are of the opinion that the expression "minimum of the pay" mentioned in paragraph 22 is intended to mean not only the basic pay + grade pay, but also the dearness allowance that comes along with the basic pay and grade pay. This is in the context of the view expressed by this Court denying regular appointments to the petitioners, while taking into consideration

the fact that the services of the Home Guards are used during an emergency and for other purposes and at the time of their duty they are empowered with the power of police personnel.

Accordingly, we make it clear that the word "minimum of the pay" used in paragraph 22 of the judgment and order dated 11th March, 2015 means the basic pay + grade pay + dearness allowances + washing allowance."

5. It is a matter of record that so far as the basic pay is concerned, the contempt petitioners have been paid the requisite amounts. However, it is submitted that the amounts towards Dearness Allowance as was accepted by this Court in its order dated 04.05.2016 have not been made over to the contempt petitioners.

6. We see force in the submissions made on behalf of the contempt petitioners.

7. It is, therefore, directed that the amounts payable to all the contempt petitioners towards Dearness Allowance shall be made over to them within six weeks from today.

8. It is also projected that the emoluments made over to the contempt petitioners are in respect of only 38 months and not for the entirety of the period.

Ms. Ranjeeta Rohatgi, learned Advocate assures the Court that the matter will be looked into and appropriate relief on that front, if the case is made out, shall be granted.

9. The instant contempt petitions are accordingly disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
August 16, 2022