

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCF No. 1240 of 2014 (O&M)

Date of Decision: 13.01.2015.

Avtar Singh

--Petitioner

Versus

S.S. Channi

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.K. Bhandari, Advocate for the petitioner.

Mr. M.C. Berry, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J

CWP No.18464 of 2012, filed by the petitioner was disposed of on 18.9.2012 in terms of issuance of directions to the respondent authorities to consider the claim of the petitioner as raised in his legal notice dated 16.5.2012 that had already been served.

The instant contempt petition has been filed asserting non-compliance of such order dated 18.9.2012, passed by the Writ Court.

In the response filed to the contempt petition a stand has been taken that the legal notice dated 16.5.2012 that had been served by the petitioner, has been considered and a speaking order dated 10.12.2012 has been passed and in terms of which services of the petitioner have been directed to be regularized notionally w.e.f. the year 1991. On the strength of such speaking order dated 10.12.2012, it is contended on behalf of the State that there has been complete compliance of the directions issued by the Writ Court.

Learned counsel appearing for the petitioner would, however, contend that in the legal notice a specific claim as regards arrears of salary

had also been raised but such claim has not been considered and dealt with by the respondent authorities and as such, a case for contempt is made out.

Such submission made by the counsel is wholly misplaced inasmuch as the speaking order dated 10.12.2012 and appended as Annexure P-4 states in clear terms that the benefit of regularization i.e. being granted to the petitioner from the year 1991, is on a notional basis. In other words the claim as regards arrears stands addressed.

In the light of the discussion herein above, this Court is satisfied that there has been complete and substantial compliance of the directions issued by this Court. No case for contempt is made out. Contempt petition is dismissed.

Rule discharged.

(TEJINDER SINGH DHINDSA)
JUDGE

January 13, 2015.
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