

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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COCP No.1329 of 2015

Date of Decision: May 28, 2015

Harbans Singh son of Labh Singh, Lecturer Commerce, Government Senior Secondary School, Bhucho Kalan, District Bathinda resident of H.No.250 Bharat Nagar, Bathinda, District Bathinda, Punjab.

...Petitioner

Versus

Sh. C. Roul, Principal Secretary, Government of Punjab, Department of Education, Punjab Civil Secretariat, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 09.09.2014 (Annexure P-3) passed by Division Bench of this Court in Civil Writ Petition No.25330 of 2013, whereby on the basis of the written statement filed by the respondents, the writ petition was disposed of as infructuous.

It is the contention of the counsel for the petitioner that in the written statement, which was filed by way of an affidavit of the Director, Public Instructions (Secondary Education), Punjab, a decision has been taken by the Government by letter dated 28.02.2014 to re-fix the percentage/ratio of promotion as School Principal from the Lecturers, Headmasters and Vocational Lecturers/Masters as per the strength in the cadre respectively. It was further stated that a Cabinet meeting of the Government took a decision on 24.02.2014 to re-fix the promotion quota of Lecturers, Headmasters and Vocational Lecturers/Masters as per their

strength as per the prayer made by the petitioners in the writ petition. The rule regarding fixation of quota for promotion to the post of Principal as per ratio of Lecturers, Headmasters and Vocational Lecturers/Masters will be applicable after approval of the Punjab Public Service Commission and Department of Personnel. He contends that no action thereafter has been taken. He thus contends that the respondents have violated the averments made in the written statement rendering themselves liable to be proceeded against under the Contempt of Courts Act, 1971.

This contention of the counsel for the petitioner cannot be accepted as para 3 of the affidavit dated 09.09.2014, which was filed in *Civil Writ Petition No.25330 of 2013* titled as *Harbans Singh and others Versus The State of Punjab and another*, did not give any time bound period, within which the Rule would be made applicable. Para 3 of the affidavit reads as follows:-

“That it is hereby submitted that the state government vide its letter dated 28.02.2014 has already decided to re-fix the percentage/ratio of promotion as school Principal from the lecturers, Headmasters and vocational lecturers/Masters as per their strength in a cadre respectively. It is further submitted here that the cabinet meeting of Government took the decision on 24.02.2014 to re-fix the promotion Quota of lecturers, Headmasters and vocational lecturers/Masters as per their strength as prayed by the petitioners in the present writ petition. The rule regarding fixation of Quota for promotion to the post of principal as per ratio of lecturers, Headmasters and Vocational Lecturers/Masters will be applicable after approval of the Punjab Public Service Commission and Department of Personnel. The copy of the meeting held by the cabinet of Government is annexed herewith the affidavit as Annexure R-1”.

A perusal of the above indicates that the decision of the

Government with regard to re-fixation of percentage/ratio of promotion

between the different cadres as per their strength in the cadre was taken by the Government but the same was subject to the approval by the Punjab Public Service Commission and the Department of Personnel. Nothing has been mentioned in the petition as to whether such an approval has been received by the Government or not. In the light of the above, it cannot be said that the affidavit, which has been filed by the respondents in Court, has not been adhered to or the order passed by this Court dated 09.09.2014 (Annexure P-3) stands violated.

In view of the above, finding the contention of the counsel for the petitioner without any basis, the present contempt petition stands dismissed.

May 28, 2015
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE