

**203-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCp-1396-2015

Date of decision: December 19, 2015

PYARE LAL

...Petitioner

Versus

DEEPAK KUMAR AND ANR.

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Sonak, Advocate
 for the petitioner.

 Mr. K.K. Gupta, Advocate
 for the respondents.

LISA GILL, J.(ORAL)

Prayer is for initiating contempt proceedings against the respondents for deliberate and willful disobedience of the order dated 24th April, 2015 (Annexure P-1) passed in CM No.3728-CWP-2015 in CWP-3142 of 2013, which reads as under:-

“Through this application moved on behalf of the applicant-petitioner, a prayer is made for staying the termination of services of the petitioner during the pendency of the writ petition.

Let notice of this application be issued to the non-applicant/respondents for 19.05.2015, the date already fixed in the main case.

In the meanwhile, the applicant-petitioner be allowed to serve on the post of Sweeper-cum-Chowkidar in the respondent-Board”.

In the reply filed on behalf of respondent-Board, apart from submitting that there is no post of Sweeper-cum-Chowkidar with the Board, it is mentioned that petitioner was never working with the Board but with the Market Committee, Chandigarh. Furthermore, he was appointed initially as a Beldar and then Sweeper on contract basis for a fixed tenure. His contract was not renewed after 23rd December, 2014. He had preferred CWP-3142-2013 for

regularization of his services. No interim order was passed therein. It was decided to fill up all vacant Group 'D' posts through a service provider on 07.11.2014, due to which his contract was not renewed after 23.12.2014. Petitioner was offered appointment through the service provider pursuant to abovesaid decision. Petitioner refused to accept appointment through the service provider as per the report dated 24th February, 2015 of the service provider. Letter dated 5th June, 2015 Annexure R-1 was sent by the Market Committee, Chandigarh, again offering appointment on a contract basis through service provider in the Market committee in compliance with order dated 24th April, 2015 in *CM-3728-CWP-2015* in *CWP-3142/2013*. It is thereafter that the petitioner joined service on 6th June, 2015 subject to decision of *CWP-3142-2013* as well as the present contempt petition.

Petitioner has withdrawn *CWP-3142-2013* with liberty to challenge the decision of respondents to outsource all Group 'D' posts as and when they fall vacant. It is submitted by learned counsel for the respondents that the petitioner is continuing to work and there is no impediment for the petitioner continuing on the said post through the service provider.

Undisputedly petitioner has been permitted to withdraw *CWP-3142-2013* with liberty to file afresh in order to additionally challenge instructions dated 07.11.2014 as well as stake a claim for salary from January 2015 to June, 2015. *COCP-712 of 2015* filed by the petitioner has also been withdrawn.

In view of the peculiar facts of this case as well as statement of learned counsel for the respondents rule is discharged.

Petition is, accordingly, disposed of.

December 19, 2015
m. sharma

(LISA GILL)
JUDGE