

COCP No.1419 of 2015

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

**COCP No.1419 of 2015  
Date of decision:29.05.2015**

|                |     |            |
|----------------|-----|------------|
| Dalip Singh    | ... | Petitioner |
| Versus         |     |            |
| Sh. Arun Kumar | ... | Respondent |

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. Pankaj Maini, Advocate,  
for the petitioner.

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**Rakesh Kumar Jain, J.**

The petitioner has prayed for initiation of contempt proceedings against the respondent for not complying with the order dated 31.03.2015 passed in CWP No.21335 of 2014.

The brief history of this case is that the petitioner had earlier filed CWP No.19702 of 2011 titled as “Dalip Singh v. State of Haryana and others” in order to challenge the appointment/promotion order dated 05.10.2010 of respondent no.4 to the post of Sports Officer on the ground that he does not fulfill the requisite criteria. The said writ petition was allowed on 19.03.2014 and appointment/promotion order dated 05.10.2010 of respondent no.4 was set aside and respondents no.2 and 3 were directed to re-assess the comparative merit of the petitioner as well as respondent no.4 in accordance with notification dated 28.04.2008 within a period of

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two months and then pass necessary order for appointment/promotion of the candidate, who would be found to be more suitable and meritorious as per requirement of notification dated 28.04.2008.

Respondent no.4 in the said writ petition filed LPA No.777 of 2014 to assail the order dated 19.03.2014 passed by the learned Single Judge. However, the said LPA was withdrawn on 31.07.2014.

The case of the petitioner was rejected by the respondent along with Sunil Kumar, who was respondent no.4 in the earlier writ petition, vide order dated 04.06.2014, which was challenged by the petitioner by way of CWP No.21335 of 2014 and, ultimately, it was admitted on 31.03.2015 and the operation of the order dated 04.06.2014 was stayed.

The petitioner has submitted that with the order of stay, he had become entitled to be promoted as Sports Officer and requested the respondent to immediately promote him. He had also filed an application bearing CM No.6654-CWP of 2015 in CWP No.21335 of 2014, but the said application was withdrawn on 21.05.2015 and, thereafter, the present petition has been filed.

It is submitted that in the order dated 04.06.2014, which was stayed on 31.03.2015, it was observed by the respondent that the notification dated 28.04.2008 is not applicable as it was for the recruitment/appointment of the Sports Persons for Group C&D posts and has no relevance with the appointment/promotion to the post of Sports Officer, which is Class-II post.

It is submitted by learned counsel for the petitioner that once

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the operation of the order dated 04.06.2014 has been stayed, the respondent should have promoted the petitioner to the post of Sports Officer.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that since there is no such direction issued by this Court while staying operation of the order dated 04.06.2014 in regard to promotion of the petitioner to the post of Sports Officer, therefore, there is hardly any merit in the present petition for the purpose of interference by this Court.

Dismissed.

May 29, 2015  
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**(Rakesh Kumar Jain)**  
**Judge**