

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCF No. 470 of 2013 (O&M)

Date of Decision: 05.01.2015.

Pushpinder Sharma and another

--Petitioners

Versus

Ashok Gupta & others

--Respondents

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

Present:- Mr. Vikas Chatrath, Advocate for the petitioners.

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

TEJINDER SINGH DHINDSA.J

CWP No.10454 of 2012 was disposed of by the Writ Court on 9.7.2012 in terms of issuance of directions to the respondent authorities to take a decision on the legal notice dated 19.2.2012 that had already been filed by the petitioners. Suffice it to observe that the claim of the petitioners was with regard to promotion to the post of Lecturer (Economics) w.e.f. the date their juniors namely Mewa Singh, Bishambar Dass and Nirmal Singh had been so promoted.

An additional affidavit dated 23.12.2014 of the Director Public Instructions (S.E.), Punjab has been placed on record and appended along with such affidavit is an order dated 11.8.2014 at Annexure R-5 in terms of which a speaking order has been passed in purported compliance of the order dated 9.7.2012, passed by the Writ Court.

Perusal thereof would reveal that in so far as Mewa Singh and Bishambar Dass are concerned, they have been found to have been promoted in different streams i.e. Commerce and Punjabi, whereas Nirmal Singh has been shown to be assigned seniority no.1063. The categoric

stand taken on behalf of the State is that no person junior to the petitioners has been promoted to the post of Lecturer, Economics.

In the light of such factual position, no case for contempt is made out.

At this stage, learned counsel appearing for the petitioners would submit that even though, in the legal notice dated 19.2.2012 that had been directed to be decided, the names of Mewa Singh, Bishambar Dass and Nirmal Singh had only been pointed there are certain other employees namely Sh. Avinash Chand Malhotra out but bearing seniority no.1965 and Sh. Jagdish Lal bearing seniority no.2428 have also been promoted to the post of Lecturer, Economics in supersession to the rights of the petitioners.

Be that as it may, the instant contempt petition is disposed of as having been rendered infructuous. Rule discharged.

It would, however, be open for the petitioners to agitate their claim as regards promotion to the post of Lecturer, Economics by citing the instances of the aforementioned two employees namely Sh. Avinash Chand Malhotra and Sh. Jagdish Lal and on all such grounds that may be available, strictly in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 05, 2015.
lucky