

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

CACP 10 of 2015(O&M)

Date of Decision : January 05, 2016

R. Swaminathan and another

.....Appellants

VERSUS

Bakshi Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. Puneet Gupta, Advocate
for the appellants.

T.P.S. MANN, J. (Oral)

The appellants have filed the present appeal under Section 19 of the Contempt of Courts Act, 1971 against the orders dated 19.9.2015, 2.11.2015 and 5.12.2015 passed by the Contempt Court in COCP No. 282 of 2015.

The contempt proceedings were initiated by respondent-Bakshi Singh against the appellants as according to him he ought to have been promoted as Deputy Passport Officer w.e.f. 27.7.2007, the date when Shri R.N.Rai, his junior was so promoted as per order dated 13.8.2007 passed by the Government of India (Annexure P-2). He also sought further promotion to the post of Passport Officer w.e.f. 17.11.2011, the date when Shri R.N.Rai was so promoted. According to the respondent, writ petition filed by the Union of India against the order of the Chandigarh Bench of the Central Administrative Tribunal was disposed of by this Court on 13.2.2014 holding his exclusion for promotion by the regular Departmental Promotion Committee held on 25.4.2012 to be wrong and the order of the Tribunal holding the respondent entitled to regular promotion w.e.f. the date it came to be denied to him and also to consider

his claim for promotion from the day his immediate juniors were promoted. Despite the same, the Department issued the office order dated 9.4.2014 promoting the respondent as Deputy Passport Officer w.e.f. 25.4.2012.

The contempt petition filed by the respondent came up for hearing before the learned Single Judge on 19.9.2015 when after observing that as the respondent was denied promotion for the first time in the year 2007 and, therefore, he was required to be promoted with effect from 2007, particularly from the date when his juniors were promoted, required the counsel for the appellants to obtain instructions. On 2.11.2015, learned counsel for the appellants prayed for two weeks' time to comply with the order passed on 19.9.2015 and, accordingly, the contempt petition was adjourned to 5.12.2015 for further proceedings. On 5.12.2015, last opportunity was granted to the appellants to comply with the orders of the writ Court within a period of two weeks failing which they would remain present in the Court. Accordingly, the hearing was adjourned to 7.1.2016.

The aforementioned orders dated 19.9.2015, 2.11.2015 and 5.12.2015 have been challenged by the appellants by filing the present appeal.

As of day, no final order has been passed by learned Single Judge in the contempt petition filed by the respondent. Only the appellants have been asked to explain as to why the respondent was not promoted in the year 2007 when his juniors were promoted. On 5.12.2015, last opportunity was granted to the appellants to comply with the orders of the writ Court within a period of two weeks or otherwise the appellants would remain present in the Court. Under these circumstances, it cannot be said that the contempt proceedings initiated by the respondent

have culminated into an order of punishment. That being so, the present appeal filed by the appellants, purportedly under Section 19 of the Contempt of Courts Act, 1971, is not maintainable at this stage.

Accordingly, the appeal is dismissed as being not maintainable at this stage.

However, if any order is passed by the Contempt Court holding the appellants guilty for committing contempt of Court, they shall be at liberty to avail appropriate remedy including filing of the appeal.

Miscellaneous application (CM 27534-CII of 2015) is also disposed of.

(T.P.S. MANN)
JUDGE

January 05, 2016
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(RAMENDRA JAIN)
JUDGE