

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
102+224**

**C.M. No. 18292-CII of 2016 and
COCP No. 2519 of 2015 (O&M)**

Date of decision: 15.09.2016

Balle Ram Verma

...PETITIONER

VS.

Dr. Satpal Vats, M.D. University, Rohtak

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Petitioner in person.

Mr. Anurag Goyal, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 18292-CII of 2016

C.M. is allowed subject to just exceptions. Short replication on behalf of the petitioner is taken on record.

COCP No. 2519 of 2015

In compliance with the order passed by this Court on 30.08.2011 in RA No. 213 of 2010 in/and CWP No. 7809 of 1989, the respondents have granted the petitioner the promotion to the post of Deputy Superintendent w.e.f. 17.04.1989 and thereafter, as Superintendent, on merger of the post of Deputy Superintendent to that of Superintendent w.e.f. 06.11.1989. He has also been granted the consequential attendant benefits on appropriate post and the scales of pay accordingly. The said order is dated 13.05.2013 (Annexure R1/1).

Petitioner, who appears in person, submits that he has not been

granted the benefit of seniority rather persons, who belong to the General Category and had never been promoted to the post of Deputy Superintendent, on their promotion to the post of Superintendent after the merger of the post of Deputy Superintendent and Superintendent, have been wrongly given the benefit of catch-up principle as laid down in **Ajit Singh Janjua and others vs. State of Punjab**, 1996 (2) SCC 215 and have been shown senior to the petitioner as Superintendent.

This contention of the petitioner cannot be accepted in the contempt petition as opinion given by the Court on this aspect would adversely affect the right of the persons who have been given the benefit of the Supreme Court judgment without they being party. Further this issue is a subsequent development which cannot be gone into in the contempt proceedings. In the considered view of this Court, the said issue does not arise in compliance with the order dated 30.08.2011 passed by this Court, which has been upheld by the Division Bench of this Court in LPA No. 315 of 2012.

In view of the above, the present contempt petition is disposed of with liberty to the petitioner to avail of his remedy, in accordance with law, in case he is aggrieved of the wrong fixation of seniority on the post of Superintendent by the respondent.

Rule discharged.

September 15, 2016

pj

(AUGUSTINE GEORGE MASHI)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No