

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

(106)

COCP-1654-2017

Decided on: July 07, 2017.

Sonu Kumar

.... Petitioner

Versus

Virender Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Narender Pal Bhardwaj, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The petitioner has preferred the present contempt petition alleging that the order/direction issued vide judgment dated 26.09.2016 in CWP-12642-2015 decided by a Coordinate Bench of this Court, has not been complied with in true letter and spirit.

Perusal of the said order indicates that the matter was remanded back to Engineer-in-Chief, Irrigation and Water Resources Department to pass an order afresh regarding claim of the petitioner seeking appointment for the post of Canal Guard in Sirsa Circle in the light of the observations contained in the operative part of the judgment. The said authority has passed an order dated 02.02.2017 Annexure P-12 describing the same to be a speaking order.

Learned counsel for the petitioner submits that though the case of the petitioner has been considered by passing a speaking order but the claim has been rejected on extraneous consideration without considering the amended instructions dated 23.05.2014.

I have heard learned counsel for the petitioner and I am of the opinion that the concerned authority in its wisdom, has passed a speaking

order, the legality and validity of which can always be challenged in case the petitioner is not satisfied with the same, in accordance with law.

Learned counsel for the petitioner has made an attempt to satisfy this Court that order Annexure P-12 is an illegal order and it does not meet the requirements of law and is apparently an illegal order.

At this stage, learned counsel for the petitioner has also submitted that the petitioner has already filed a writ petition against the order Annexure P-12 dated 02.02.2017 i.e. CWP-3274-2017.

In view of the petitioner having already availed legal remedy available to the petitioner, I do not find any ground to initiate contempt proceedings.

The petition is dismissed without prejudice to the right of the petitioner in the above said writ petition.

(M.M.S. BEDI)
JUDGE

July 07, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No