

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

COCN No. 17 of 2017

Date of decision: 20.03.2017

Bhagmal

...Petitioner

Versus

Vivek Partap Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sarbjit Singh Hira, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

1. The instant Contempt Petition under Section 12 of the Contempt of Courts Act has been filed for a willful and intentional non-compliance of the directions/ order dated 30.11.2016.
2. In CWP No. 13450 of 2015 a Coordinate Bench of this Court was pleased to pass the following order :

“An additional affidavit of District Sports Officer, Hoshiarpur has been filed in Court by learned State counsel and the same is taken on record.

The grievance of the petitioner in the present petition is that he was not granted extension after his retirement only on the ground that he withdrew the amount of GPF, whereas, some other similarly situated persons were granted benefit of extension in spite of the fact that they also withdrew the amount from GPF. This fact has also been admitted in the additional affidavit filed today in the Court.

Learned State counsel has pointed out that only because of the undertaking given by the petitioner that he was not interested in extension, the same was not

granted to him, whereas, according to the petitioner, the undertaking was taken by the respondents while making an application for withdrawal of GPF amount. Any other fact to deny the extension has not been brought to the notice of the Court. An undertaking was also obtained from other similarly situated persons, whereas, there was no such requirement while withdrawing the amount of GPF. The case of the petitioner is at par with other similarly situated persons who have been granted extension. Respondent-Department is directed to consider the case of the petitioner for further extension within a period of two weeks from today.”

3. A reading of the said order shows that the contention of the petitioner had been noted that he should be treated at par with other similarly situated persons who had been granted extension in service by the department. Furthermore, a direction had been issued to the respondent-department *“to consider the case of the petitioner for further extension within a period of two weeks from today”*. After the passing of the order dated 30.11.2016, the matter was put up before respondent No.2 who refused to consider the case of the petitioner for extension in service by giving two reasons therein by an order dated 28.12.2016.

4. Learned counsel for the petitioner herein urges that the reasons given in the order dated 28.12.2016 do not satisfy the orders that were passed by this Court on 30.11.2016 and, therefore, a contempt of Court is made out.

5. I have heard learned counsel for the petitioner and find that the only direction that was given therein was that the case of the petitioner to be considered for extension in service within a period of two weeks. That

consideration has taken place and, in case, the petitioner is aggrieved against the said decision taken therein, he is at liberty to challenge the same, however, no contempt would be made out in the instant case because the matter was considered as directed by the Coordinate Bench of this Court.

6. In view of the above, the instant Contempt petition stands dismissed.

20.03.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.