

COC-1920-2017 (O&M)

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

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**COC-1920-2017 (O&M).
Decided on: July 21, 2017.**

Sukhwant Kaur

.. Petitioner(s)

VERSUS

Shri Krishan Kumar and another

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.Ashwani Kumar Chopra, Sr. Advocate,
with Mr.Akshit Chaudhary, Advocate,
for the petitioner.**

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

Petitioner in the present contempt petition has alleged the wilful disobedience of order dated 12.1.2007, Annexure P1, passed in CWP No.391 of 2007, titled Sukhwant Kaur Versus the State of Punjab and others.

Order dated 12.1.2007 reads as under: -

“Learned counsel for the petitioner relies on decisions rendered by this Court in S.K.Gulati Vs. The Punjab State Tubewell Corporation Limited and another (Civil Writ Petition No.2440 of 1989 decided on 09.07.1991) and Paramjit Rai Versus The State of Punjab and others Civil Writ Petition No.259 of 1997, decided on 30.06.1998).

Notice of motion for 19.04.2007.

In the meantime, operation of the impugned order dated 26.12.2006 (Annexure P/15) shall remain stayed. In sum and substance, the effect of the interim order is, that the petitioner would continue to discharge the duties of the post of Principal on officiating basis till further orders.

Order dasti on payment of usual charges.”

Mr.A.K.Chopra, learned senior counsel appearing on behalf of the petitioner has urged that the petitioner was entitled to continue to discharge the duties of the post of Principal on officiating basis till further orders but by passing order dated 15.7.2017, Annexure P6, Smt.Madhurima, has been posted as Principal on deputation. Learned senior counsel has further argued that this Court had specifically ordered that the petitioner would continue to discharge duties of Principal on officiating basis till further orders and the said order has neither been withdrawn nor modified, as such the appointment of Smt.Madhurima against the post of Principal on deputation basis is intentional disobedience of the order passed by this Court.

I have heard the learned senior counsel appearing on behalf of the petitioner and gone through the facts and circumstances of the case. It is pertinent to observe here that vide order Annexure P5 dated 30.9.2016, the Chief Engineer, RSD (Construction), Irrigation Department, Punjab, taking into consideration the order dated 12.1.2007, has considered the circumstance that the petitioner attained the age of superannuation on

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completion of 58 years of age on 30.9.2016. No doubt her service has been extended from 1.10.2016 to 30.9.2017, and was permitted to work as Principal on officiating basis. The grant of concession of extension after the date of superannuation will not, ipso facto, confer a right to retain the post of Principal on officiating basis. It is observed that on attaining the age of superannuation on 30.9.2016, the petitioner did not have a legal right to hold the post of Principal on officiating basis. Extension had been granted subject to the conditions issued by the Finance Department. The order dated 12.1.2007, does not confer any legal right on the petitioner to continue to discharge the duties of the post of Principal on officiating basis contrary to the rules i.e. beyond the period of superannuation.

In view of above circumstances, no ground is made out for initiating contempt proceedings against the respondents.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

July 21, 2017.

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Whether speaking / reasoned

Whether reportable:

Yes / No

Yes / No