

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

**COCN No.2233 of 2017
Date of decision: 16.08.2017**

Pran Mehta

..Petitioner

Versus

Mr. Kamal Kishore Yadav and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R.K. Arora, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India for non-compliance of order dated 22.05.2017 passed by this Court in LPA No.634 of 2017, which was filed in CWP No.7501 of 2016.

Learned counsel for the petitioner submits that the claim of the petitioner was to be reconsidered in view of judgment passed in **LPA No.776 of 2015** titled as **Ashok Arora vs. State of Punjab and others** and the respondents were directed to reconsider the claim of the appellant for extension in service beyond the age of superannuation as per the Government policy. The claim of the petitioner has not been reconsidered as per direction issued by the LPA Bench. The judgment passed in **Ashok Arora's case (supra)** was not rightly interpreted and the claim of the petitioner has wrongly been declined. Learned counsel also submits that in

Ashok Arora's case (supra), final decision regarding one charge sheet was pending and a direction was issued to pass order in that charge sheet also. Petitioner has been exonerated in one charge sheet and another charge sheet was to be considered and necessary action was to be taken.

Heard arguments of learned counsel for the petitioner and have also perused order dated 10.03.2017 passed by this Court in CWP No.7501 of 2016.

The relevant portion of order dated 22.05.2017 passed in LPA No.634 of 2017 is reproduced as under: -

“ In view of the fact that the appellant claims that he has been exonerated from the departmental proceedings and the period of extended term is yet to expire, we dispose of this appeal in terms of the order passed in LPA No.776 of 2015 (Ashok Arora versus State of Punjab and others and direct the respondents to re-consider the appellant's claim for extension/continuation in service beyond the age of superannuation as per the Government policy.

Let an appropriate decision be taken within a period of one month from the date of receiving a certified copy of this order.”

In pursuance of order dated 22.05.2017 passed in LPA No.634 of 2017, a detailed order was passed on 28.06.2017 wherein it has been mentioned that the case of the petitioner is not similar to the case of **Ashok Arora's case (supra)** as in that case, no charge sheet was pending whereas

in the case of the petitioner, charge sheet is pending. In order dated 22.05.2017, only direction was there to re-consider the claim of the petitioner for extension as per Government policy in view of judgment passed in LPA No.776 of 2015.

Hence no contempt is made out as the decision has been taken as per direction issued by the LPA Bench and the order has been passed on 28.06.2017.

Dismissed.

However, in case the petitioner is still aggrieved by passing of order dated 28.06.2017, he is at liberty to challenge the same.

16.08.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No