

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

Date of decision:02.03.2017

Nirmal Kapoor

.....Petitioner

v.

S.C.Roy,Chairman and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Dinesh Kumar,Advocate for the petitioner.

Mr.Akshay Jain,Advocate for respondents.

Jaswant Singh,J.

Petitioner filed CWP 23748 of 2011 seeking directions to respondents to treat him on duty with all consequential benefits of salary etc., under Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation)Act,1995. The said writ petition was disposed of vide order dated 29.7.2015, the operative part of which reads as under:-

“In view of the above, the petitioner is held entitled to the benefits of Section 47(1) of the Act and the respondents are directed to create and adjust the petitioner on a supernumerary post till he attains the age of superannuation, with all consequential benefits. The arrears be paid to the petitioner within two months from the date of receipt of a certified copy of this order, failing which the petitioner would be entitled to simple interest @ 9% per annum from the date the arrears

became due till the date of realization.”

Alleging disobedience of said order dated 29.7.2015 the instant contempt petition has been filed.

Notice of motion was issued.

On 6.12.2016 the following order was passed:-

“Counsel for the petitioner has submitted that though order has been substantially complied with but some part of it is still left. In this regard, he has filed counter affidavit dated 6.12.2016 and copy is handed over to the counsel for the petitioner (*sic*) who prays for time to seek instructions and if necessary, pass appropriate orders. Respondents shall produce order of compliance and in case it is not to be complied with then order rejecting the claim.

Adjourned to 19.1.2017.”

On 19.1.2017, after hearing learned counsel for the parties the following order was passed:-

“The dispute remains only qua the claim of the petitioner for promotion to the rank of Higher Grade Assistant; further promotion to the Assistant Administrative Officer as per the Recruitment Rules; and encashment of privilege leave.

Learned counsel for the respondents states that the decision of the aforesaid claim qua the petitioner has been taken on the file, however, orders are yet to be issued, therefore, prays for short accommodation.

Adjourned to 2.3.2017.”

In compliance of order dated 6.12.2016, now CM 4555-

CII/2017 has been filed to place on record a copy of the order dated

23.2.2017 passed by Senior Divisional Manager, LIC of India, Chandigarh with regard to remaining alleged claim of the petitioner, as noticed in orders dated 6.12.2016 and 19.1.2017. Application is allowed and copy of order dated 23.2.2017 is taken on record.

A perusal of the order dated 23.2.2017, annexed with the application reveals that alleged remaining claims of the petitioner for grant of Privilege Leave and promotion to the cadre of High Grade Assistant and Assistant Administrative Officer have been considered and rejected by passing a detailed speaking order. As far as scope of present contempt petition is concerned, substantial compliance of order dated 29.7.2015 passed in CWP 23748 of 2011 has been made and no further action is warranted.

Dismissed as infructuous.

02.03.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No