

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

**COCN No.3303 of 2017**

**Date of decision : 10.11.2017**

**Ajay Dahiya**

.....Petitioner

*Versus*

**D. S. Dhesi and another**

...Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. R. K. Malik, Senior Advocate with  
Mr. Kuldeep Sheoran, Advocate for the petitioner.

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**DAYA CHAUDHARY, J. (Oral)**

The present contempt petition has been filed for non-compliance of order dated 22.12.2016 passed in CWP No.23671 of 2016. Case of the petitioner is that his result was declared on 02.09.2016 and he has obtained 413 marks but the candidate who has obtained 412 marks was recommended for appointment as Assistant Employment Officer. Petitioner was higher in merit but he was not considered. He has filed writ petition before this Court and on the basis of statement made by learned counsel appearing for Haryana Public Service Commission, who had stated that the Commission has decided to recommend the name of the petitioner for appointment to the post of Assistant Employment Officer, the writ petition was rendered infructuous and it was disposed of accordingly.

Now the petitioner has filed the present contempt petition for

non-compliance of order dated 22.12.2016. The statement was made by learned counsel for Haryana Public Service Commission but appointment is not to be made by the Commission and it is to be made by the State Government.

Under any circumstances, no contempt is made out against the respondents. Petitioner could have approached the State Government for appointment on the basis of recommendation made by the Commission.

The contempt petition is dismissed.

However, since the petitioner has made representations dated 30.05.2017 (Annexure P-2) and 15.06.2017 (Annexure P-3) to the Chief Secretary, Government of Haryana stating all facts regarding his recommendation and merit but no action has been taken, therefore, respondent No.1 is directed to consider the representations and take action in accordance with law preferably within a period of one month from the date of receipt of copy of this order.

**10.11.2017**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No