

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

COCN No.1220 of 2018

Date of Decision:-20.04.2018

Jagdish Mitter.

.....Petitioner.

Versus

Sh. Krishan Kumar, IAS, Secretary, Deptt of Education, Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH.

Present:- Ms. Veena Kumari, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioner has alleged violation of interim order dated 19.08.2011 and final order dated 12.10.2011 (Annexure P-1 and P-1/A) passed by the Writ Court in CWP No 15279 of 2011, whereby respondents were allegedly directed to provide a peon to petitioner so as to assist him during school hours, being Visually Handicapped.

Learned Counsel for petitioner contents that vide interim order dated 19.08.2011 (P-1), writ court had directed the respondents to depute a peon for effective assistance of petitioner and this order was affirmed by the Court, while disposing off the petition vide final order dated 12.10.2011 (P-1/A). It is submitted that previously, a peon was indeed deputed to assist the petitioner at Government Senior Secondary School, Piplanwala, however, upon being promoted, petitioner was transferred to Government Senior Secondary School Rajpura, Bhayan. Thereafter, on the intervention

of this Court in a separate writ petition, petitioner was again transferred to Government Senior Secondary School, Piplanwala on 15.07.2017, however, this time no peon was provided for his assistance. It is argued that despite numerous representations being moved to concerned officials (Annexure P-4/T to P-7), no peon has been provided for petitioner's assistance during working hours and therefore, there is a willful violation of orders passed by writ court by respondents.

I have learned counsel for the petitioner at length and of the considered opinion that present petition is completely devoid of merit and deserves to be dismissed.

A perusal of the order dated 19.08.2011 (**P-1/A**) shows that as an interim measure, the Writ Court had indeed directed the respondents to provide a peon to petitioner during the working hours for his assistance. However, vide final order dated 12.10.2011, no such direction was issued and infact, general directions were issued to the State Government/Education Department to monitor the employment conditions of petitioner as well as other physically challenged employees working in Education Department. It was further directed that all the provisions of Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation), Act, 1995 have to be followed in letter and spirit meaning thereby, that there was no order passed by this court, while disposing off the writ petition, to provide the petitioner with a peon during his working hours. It is settled position of law that all interim orders merge into the final order and it is the final order which is required to be adhered to. Further, no provision has been brought to the notice of this Court by the Counsel for petitioner which makes it mandatory for an employer under the 1995 Act, to

depute a peon with such an employee during working hours.

In view of the foregoing discussion, no contempt is made out against the respondents and accordingly the present contempt petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 20, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>