

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-135-2018

Date of Decision: 19th September, 2018

Meenu Rani

...Petitioner

Versus

Rajnarayan Kaushik, IAS

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. Deepak Manchanda, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court alleging non-compliance of the order dated 21.08.2017 passed by this Court in CWP No.18472 of 2017, whereby, directions were issued to the Director, Elementary Education, Haryana, to take a decision on the representation dated 12.08.2017 within a period of two months from the date of receipt of certified copy of the order. It was further observed that in case, benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioner. In compliance with the said order, Director, Elementary Education, Haryana, has, vide order dated 02.04.2018 (Annexure R-1) considered and rejected the representation of the petitioner being devoid of merit and premature for the reason that the matter is *sub judice* before this Court.

Counsel for the petitioner contends that the respondent has not taken the decision with regard to the claim of the petitioner for allotment of a permanent district in the cadre to which the petitioner belongs. In support of this contention, he refers to the representation dated 12.08.2017

submitted by the petitioner, which was ordered to be considered and decided. He, therefore, contends that the order passed by this Court dated 21.08.2017 has not been complied with.

Having considered the submissions made by the learned counsel for the petitioner, in the considered view of this Court, the order dated 21.08.2017 passed by this Court in CWP No.18472 of 2017 has been duly complied with as the said order has not adjudicated upon the right of the petitioner as is apparent from its language, wherein, it has been stated that without commenting on the merits of the case or the entitlement of the petitioner for relief claimed by him, the court had proceeded to give direction to decide the representation. The respondent, on consideration of the said representation, has proceeded to pass an order dated 02.04.2018 (Annexure R-1), which may be wrong as per the assertion of the counsel for the petitioner but that does not mean that the order dated 21.08.2017 passed by this Court in CWP No.18472 of 2017 has not been complied with. Petitioner, if aggrieved by the order dated 02.04.2018 (Annexure R-1), may avail of her remedy in accordance with law.

In view of the above, the present contempt petition stands dismissed.

Rule issued to the respondent stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

19th September, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No