

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

**C.O.C.P. No. 3048 of 2017 (O&M)
Date of Decision: 04.05.2018**

Naresh Kumar

..... Petitioner

Versus

Sh. Amit Jha, Additional Chief Secretary to Govt.
of Haryana, Health Department, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Abhishek Yadav, Advocate for
Mr. Inder Pal Goyat, Advocate
for the petitioner.

Mr. D.K. Mittal, Deputy Advocate General, Haryana
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner (Naresh Kumar) had filed a writ petition bearing *CWP No. 17572 of 2016*, challenging, *inter alia*, rule 9(1)(a)(i), 9 (1)(b)(i) and Note below Clause 9 (b)(ii) of the Haryana Health Directorate Ministerial (Group C) Service Rules, 1983 and notification of the draft rules, i.e., the Haryana Health Directorate Ministerial (Group C) Service (First Amendment) Rules, 1998, to the effect that the posts of Senior Scale Stenographer/Assistant-cum-Stenographer are removed from the feeder cadre for promotion to the post of Deputy Superintendent and the stenographer cadre be treated as a separate cadre.

The aforesaid writ petition was disposed of by a Division Bench of this Court vide order dated 17.01.2017 (**Annexure P-1**), directing the respondent authorities to treat the aforesaid writ petition as a representation on behalf of the petitioner and take an appropriate decision in

accordance with law as early as possible and preferably within a period of four months from the date of receipt of a certified copy of this order.

It is averred that a representation dated 03.02.2017 (**Annexure P-2**) alongwith certified copy of the order dated 17.01.2017 (**P-1**), as also copy of the writ petition was supplied to the respondent authorities, but the respondent-authorities did not comply with the orders, even after expiry of about six months and then, on issuance of advance contempt notice dated 28.07.2017 (**Annexure P-3**), respondent No.2 (Director General Health Services, Haryana), who is not competent to consider the validity and consideration of services rules, passed an order dated 19.08.2017, rejecting the claim of the petitioner, which amounts to non-compliance of the order of this Court, as the Hon'ble Court had directed the competent authority to take decision in accordance with law. As such, there is a clear-cut violation of the orders/directions dated 17.01.2017 (**P-1**), passed by this Court. Hence, the contempt petition has been filed.

Upon notice, a reply by way of affidavit dated 03.04.2018 of Mr. R.R. Jowel, Additional Chief Secretary, Govt. to Haryana, Health Department, Chandigarh (respondent No. 1) has been filed in Court today, which is taken on record. In reply, it is asserted that in compliance of the orders, the competent authority (respondent No. 1) has considered the claim of the petitioner made in the writ petition and representation dated 20.03.2017 and rejected the same by passing a speaking order dated 02.05.2018 (**Annexure R-1**), copy of the same has also been endorsed to the petitioner.

In view of above, counsel for the parties concede that no further proceedings are warranted in the present contempt petition, as the same has become infructuous.

Disposed of as infructuous.

However, the petitioner is free to challenge the aforesaid order dated 02.05.2018 **(R-1)** in accordance with law.

May 04, 2018

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**(JASWANT SINGH)
JUDGE**

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