

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

**COCP No.3089 of 2017**

**Date of Decision:-26.04.2018**

Krishan Kumar and another

...Petitioners

Versus

Sh. Alok Nigam, IAS

...Respondent

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

Present:- Mr. Sunil Kumar Nehra, Advocate  
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana.

**JASWANT SINGH J.(Oral)**

Both the petitioners Krishan Kumar and Narender Kumar were selected by the Haryana Staff Selection Commission for appointment to the posts of Assistant Engineers in the year 2009, however, offered appointment letters on 31.3.2017 during the pendency of their CWP No.609 of 2010.

The appointment was denied earlier on the ground that the petitioners had obtained the essential qualification of degree in Engineering through Distant Education Mode and in view of the Division Bench judgment of this Court rendered in **Kartar Singh vs. Union of India 2012 (4) SCT 741** the degrees were invalid.

CWP No.609 of 2010 filed by the petitioners was disposed of vide order dated 8.5.2017 in view of the appointment letters dated

31.3.2017 having been issued to the petitioners with the directions of service benefits at par with their batch mates.

The present contempt has been filed with the averments that the petitioners were not being considered for promotion w.e.f. the dates their juniors have been promoted and therefore, violated the portion of the order dated 08.5.2017 directing the grant of consequential benefits.

Upon notice, reply has been filed by the respondent, wherein it is stated that the promotion orders of the stated juniors have since been suspended in view of the directions passed by the Hon'ble Supreme Court vide order dated 3.11.2017 passed in **Orissa Lift Irrigation Corp. Ltd. vs. Rabi Sankar Patro and others 2017(4) SCT 683** as like petitioners they too possess B.Tech Degree in Civil Engineering through Distance Education Mode, which is not valid for promotion to the post of Executive Engineer as per Section 6 of Haryana Services of Engineers Group 'A' Public Works (Buildings and Roads) Department Act No.30 of 2010. Hence, it is stated that no contempt at this stage is made out.

In view of the aforesaid factual situation, learned counsel for the petitioners prays for withdrawal of the present contempt petition.

Dismissed as withdrawn.

April 26, 2018  
Vijay Asija

( JASWANT SINGH )  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No