

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

**COCP 3119/2017 (O&M)
Date of decision:30.04.2018.**

Nitin Mangla

.....Petitioner

v.

Mahavir Kaushik and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Gaurav Bakshi,Advocate for the petitioner.
Mr.DK Mittal,DAG Haryana for respondent no.1.
Mr.Sandeep Moudgil,Advocate for respondent no.2.

Jaswant Singh,J,(Oral).

This Court vide order dated 5.5.2017 had directed the Haryana Staff Selection Commission to consider and appoint the petitioner as an Office Associate against unconsumed vacancy. The needful was to be done within three months. Since the needful was not done hence the present contempt was filed.

On the last date of hearing the following order was passed:-

“There was a positive direction to the Staff Selection Commission and HUDA for completing the exercise within three months w.e.f. 5.5.2017 regarding considering the name of the petitioner for selection and appointment to the post of Office Associate, if otherwise eligible.

The eligibility of the petitioner is not in dispute. However,no appointment order has been issued by the competent authority till today in spite of grant of opportunities.

Let the Secretary,Haryana Staff Selection Commission

and the Chief Administrator, HUDA be present in Court for facing further contempt proceedings.

Adjourned to 30.4.2018.

To be taken up in the urgent matters.

Counsel for the respondents undertake to convey this order to the aforesaid officers.”

In compliance of the said directions, Mr.J. Ganesan, Chief Administrator, HUDA and Mr.Mahavir Kaushik,Secretary Haryana Staff Selection Commission have come present.

At the time of hearing Mr.Sandeep Moudgil, counsel for HUDA has produced affidavit dated 27.4.2016 of Gaurav Midha, Secretary, Shehri Vikas Pradhikaran (erstwhile HUDA). The same is taken on record.

It is stated in the said reply that against the order dated 5.5.2017 passed by this Court, HUDA had filed LPA No.2357/2017 which was dismissed on 15.12.2017 and thereafter HUDA further challenged the order in Hon'ble Supreme Court by way of SLP(C)12060/2018 but the same was also dismissed on 23.4.2018 granting six months time to comply with the order dated 5.5.2017. Now it is stated that in compliance with the order dated 5.5.2017 appointment letter has been issued in favour of the petitioner vide memo dated 26.4.2018 (A-2).

At this stage counsel for the petitioner points out that Clause 9 in the appointment letter regarding passing of State Eligibility Test in Computer Appreciation and Applications within a period of two years would not be applicable in the case of the petitioner as he already possesses qualification of Bachelor of Computer Application (BCA).

In response, Chief Administrator, HUDA assures the the Court that if that is the situation the exemption would be granted to the petitioner.

In view of the compliance of the order dated 5.5.2017 no further action is warranted in the present contempt petition.

Disposed of as infructuous.

30.04.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No