

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

**C.O.C.P. No.3154 of 2017
Date of Decision: 08.02.2018**

Ram Phal Singh

..... Petitioner

Versus

R.R.Jowel, Principal Secretary-cum-Addl. Chief Secretary,
Transport Department, Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rahul Deswal, Advocate for the petitioner.

Mr. D.K.Mittal, Deputy Advocate General, Haryana.

JASWANT SINGH, J. (Oral)

The petitioner has retired on reaching the age of superannuation w.e.f. 30.04.2017 in the rank of Supervisor from the Ministers Car Wing of the Transport Department. He had filed CWP No.4893 of 2014, challenging the placement of another Driver-Hari Om Parkash above the petitioner in the rank of Driver in the Ministers Car Wing, while Hari Om Parkash was on deputation to the Ministers Car Section from the Cadre of Roadways Wing of the Transport Department without being absorbed in the Ministers Car Section Cadre. The said writ petition was allowed vide order dated 28.04.2017 (**Annexure P-1**) and the operative portion reads as under:-

“ Consequently, impugned order dated 5.3.2014 (Annexure P-13) assigning ranking to respondent No.3 is set aside. The official respondents are directed to re-assign the seniority to the petitioner in the seniority list dated 5.3.2014 at appropriate place and extend consequential benefits. Respondent No.3 is to be accommodated in the Haryana Roadways' seniority list and not in the Ministers Car Section.

To that extent, petition stands allowed. ”

The present contempt petition has been filed with the averment that the correct seniority has not been assigned to the petitioner in the rank of the Driver in the Ministers Car Section.

Upon notice, reply has been filed in Court, which is taken on record. Copy of the same has been furnished to learned opposite Counsel. In the reply, it is stated that an LPA against the order dated 28.04.2017 (**P-1**) has been filed, wherein an order dated 10.08.2017 (**Annexure R-1**) has been passed, which reads as under:-

“ *Notice of motion for 22.01.2018.*
Notice re: condonation of delay also.
In the meantime, the directive of the learned Single Judge regarding fixing of seniority of the appellants in the Haryana Roadways shall be kept in abeyance. It is further directed that the appellants' services shall not be disturbed from the Ministers Car Section. ”

In view of the aforesaid facts, as also the fact that the petitioner already stands retired and by fixing or non-fixing of his seniority, his case for promotion to any post is not affected, therefore, nothing more survives for adjudication in the present contempt petition.

Accordingly, the present contempt petition is disposed of.

February 08, 2018

Gagan

(JASWANT SINGH)
JUDGE

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