

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

COCP No.971 of 2017(O&M)

Date of Decision:-13.07.2018

Rajbir Singh.

.....Petitioner.

Versus

Sh. Ashwin Shenvi, IPS, Superintendent of Police, Sonipat.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for the Petitioner.

Mr. Rajesh K. Sheoran, Additional Advocate General, Haryana.

JASWANT SINGH, J.(ORAL)

Petitioner has filed the present contempt petition under Section 10/12 of the Contempt of Courts Act seeking initiation of contempt proceedings against the respondent for wilfully, intentionally and deliberately disobeying the order dated 24.10.2016 passed by this Court in CWP No.22160 of 2016 wherein respondents were directed to consider the grievance raised by the petitioner in the legal notice dated 18.01.2016 and to decide the same in accordance with law within a period of three months from the date of receipt of certified copy of the order. Since the needful was not done. Hence the present contempt petition.

Upon notice respondent has put in appearance. During the course of hearing on 08.12.2017 following order was passed in the present

contempt petition:-

“ *Petitioner earlier filed CWP No.22160 of 2016 which was disposed of with a direction to the respondents to consider the grievance raised by the petitioner in legal notice dated 18.01.2016 and to decide the same in accordance with law within a period of three months from the date of receipt of certified copy of the order. Said petition was disposed of on 24.10.2016.*

The compliance of the order was not made. Then petitioner had to file the present contempt petition before this Court wherein notice of motion was issued on 21.04.2017. Claim of the petitioner was still not considered and vide order dated 03.07.2017, a direction was issued in contempt petition to consider the claim of the petitioner as per the averments made in the representation/legal notice. It was also directed that his case be considered at par with other similarly situated persons and necessary order be passed after giving an opportunity of appearing to the petitioner within a period of two weeks. The case was adjourned for 16.08.2017. It was brought to the notice of this Court by learned counsel for the petitioner that the order was passed on 07.08.2017, but without giving any opportunity of hearing. Then, again a direction was issued on 16.08.2017 to the respondent to file a specific affidavit as to how the case of the petitioner is different from the case of the petitioners, who filed COCP No.1936 of 2016. It was also mentioned in the order as submitted by the learned counsel for the petitioner that the same respondents have passed the order of regularization in respect of some of similarly situated persons namely Prahlad during pendency of COCP No.1936 of 2016 and LPA was filed against the Single Bench judgment which was also dismissed on July 2017. The case came up for hearing on 04.10.2017. A detailed order was passed and the respondent was directed to be present in the Court as to why order has not been complied with in spite of giving directions on two occasions. He was also directed to file a specific affidavit in response to the said

direction issued on 04.10.2017 and an affidavit was filed on 05.12.2017 as per the directions. The respondent while appearing in person has admitted that there was an inadvertent lapse on his part as opportunity of hearing was not given, but claim was considered. Thereafter, the newly posted officer reconsidered the claim of the petitioner after giving an opportunity of hearing. A detailed speaking order has been passed on 02.09.2017, but the claim of the petitioner has been rejected. On perusal of order dated 02.12.2016, while considering the case of said Prahlad and others, the claim has been considered as the requirements of educational qualification and age were relaxed and thereafter order was passed. The case of the petitioner cannot be said to be of different nature. Without mentioning any reason as to how the case of the petitioner is different from said Prahlad and others, the rejection order has been passed. In the order dated 03.07.2017, a specific direction was issued by this Court to consider the claim of the petitioner at par with similarly situated persons i.e. Prahlad and others. Accordingly, the petitioner is entitled for regularization by considering the case of Prahlad and others as in the present case also, the relaxation of educational qualification is involved. Accordingly, the respondent is directed to pass necessary order within a period of two weeks from the date of receipt of copy of the order and compliance report be filed on or before the next date of hearing.

The respondent not only by filing an affidavit, but by oral request has tendered unconditional apology, which is accepted. Personal appearance of the petitioner is exempted. Presently, posted Officer is directed to pass an order as per the direction issued to the above.

Adjourned to 08.02.2018.

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Compliance report in the shape of affidavit of Mr. Satender

Kumar, IPS, Senior superintendent of Police, Sonipat, District Sonipat

dated 01.02.2018 was filed wherein it is stated that in terms of the order dated 08.12.2017 passed by this Court in this contempt, services of the petitioner Rajbir Singh, Class-IV part time contingent paid employee has been brought on regular establishment (Class-IV employee) on temporary basis in the Police Department as Sweeper with immediate effect on dated 28.12.2017 under the Policy of the Govt. of Haryana vide Notification dated 01.10.2003 vide No.G.S.R.24/Const./Art.309/2003 in the pay band IS 4440-7440 with grade pay Rs.1650 against the existing sanctioned post of Sweeper, subject to terms and conditions as mentioned in the order dated 28.12.2017 (R-1).

Learned Counsel for the petitioner concedes to the aforesaid submission made on behalf of the respondents and submits that the order passed by this Court stands complied with.

In view of the above, present contempt is disposed of.

Rules stands discharged.

(JASWANT SINGH)
JUDGE

July 13, 2018
Vinay

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