

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

COCN No. 2205 of 2017

Date of Decision: 19.08.2019

Amar Singh

.....Petitioner

Versus

S.K. Gulati and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harsh Aggarwal and
Mr. Aseem Aggarwal, Advocates
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 21.3.2017 passed in CWP No. 10096 of 2011.

The operational part of the order is reproduced below:

"No doubt the petitioner's services have been terminated. At the same time, it is to be taken note of that he was taken back to duty while withdrawing the order of termination. Thus, it is evident that order of termination was illegal. If an illegal termination order is passed, in such an event, an employee is entitled for all service benefits. Thus, the rejection of the petitioner's claim for regularization vide order dated 31.3.2010 is liable to be set aside and it is, accordingly, set aside. The matter is remanded to the competent authority to take a decision as if the petitioner's services have not been terminated. At the same time, the concerned authority is also required to examine with reference to similarly situated persons who were appointed as Mali-cum-Chowkidar in the year 1995. Thus, persons who have not been terminated and whose services have been regularized that may also be taken into consideration and pass a speaking order within a period of three months from today."

Reply by way of affidavit of Renjitha, M.H. Dy. Conservator of Forests, Faridabad, has already been filed in Court.

Learned counsel for the State has produced order dated 16.8.2019 passed by Sh. Suresh Kumar Punia, HFS, Divisional Forest Officer, Faridabad. Copy supplied to learned counsel for the petitioner.

Learned counsel for the state submits that the petitioner has been regularised.

Learned counsel for the petitioner submits that the appointment of the petitioner has been regularised temporarily.

Learned counsel for the State on instructions from Yogesh Kumar, Assistant, submits that the petitioner has been regularised and the word 'temporarily' has only been used as the post against which he has been appointed is of diminishing cadre and will prevail so long as the petitioner is on the said post.

In view of the said statement, learned counsel for the petitioner states that no cause of action survives for pursuing the present contempt petition, however, prays that arrears be made to the petitioner.

Learned counsel for the respondents submits that arrears will be calculated expeditiously not later than three months from today.

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

Rule issued against the respondents stands discharged.

(AVNEESH JHINGAN)
JUDGE

19.08.2019
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Whether speaking/reasoned	Yes
Whether Reportable:	No