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

COCP-2822-2017 (O&M)

Date of Decision: January 09, 2019

Manish Kumar and another

.....Petitioners

Versus

Dr.Madan Lal, Registrar Indira Gandhi University Meerpur Rewari, District
Rewari

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Aditya Yadav, Advocate for the petitioners.

Mr.Lokesh Sinhal, Addl.Advocate General, Haryana.

Mr.Madan Lal, respondent in person with counsel

Mr.Vinnod S.Bhardwaj, Advocate and

Mr.Hitesh Bhardwaj, Advocate for the respondent.

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NIRMALJIT KAUR, J. (ORAL)

The contempt petition is filed for violation of the order dated 17.07.2017 vide which a direction was issued by the learned Single Judge that the petitioners shall not be replaced by another set of identically placed contractual employees in pursuance of the advertisement dated 13.07.2016.

It is contended that although no formal relieving order was passed but at the same time they are not being allowed to continue. Instead, some other employees, namely, Dr.Santosh Sharma, who is 69 years old, Dharambir Yadav, and Sunil Kumar have been engaged in place of the petitioners for the academic session started on 01.08.2017. This shows that there is work load and in spite of the same, the petitioners are not being

allowed to continue and instead other persons have been appointed.

Reply is filed. Learned counsel for the parties are heard.

After hearing the learned counsel for the parties, this Court does not find any violation of the order dated 17.07.2017, inasmuch as, the advertisement dated 13.07.2016, which has also been noted by the learned Single Judge, was issued for the subjects of Physical Education and Geography and interview for the said subjects was fixed for 19.07.2017. A perusal of the said advertisement shown to this Court by learned counsel for the respondent shows that interview for the post of Resource Person in the Department of Yoga was fixed separately for 21.07.2017. The decision of the Academic Council dated 06.09.2017, placed on record as Annexure RA-6, specifically de-links the Department of Yoga from the Department of Physical Education and the posts of Department of Yoga are independent posts for which separate interview was fixed and the educational qualification for the Department of Yoga too is different from the post for the Department of Physical Education. Two persons, namely, Dharminder Yadav and Sunil Kumar were, therefore, appointed as Resource Person (Assistant Professor) in Yoga. The appointment of Dr.Santosh Sharma is against the post of Professor, whereas the petitioners are claiming their right against the posts of Assistant Professors. Moreover, Dr.Santosh Sharma joined on the post of Professor prior to the order dated 17.07.2017 passed by the Court. Hence, the petitioners cannot say that they have been replaced by similarly situated persons.

In view of the above, no contempt is made out.

Dismissed.

The rule issued against the respondents stands discharged.

January 09, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |