

COCP No. 3287 of 2018  
DECIDED ON: 26.08.2019

Harish Kumar Rawat

.....Petitioner

Versus

Mahender Kumar Kalra

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Dahiya, Advocate  
for the petitioner.Mr. Sudhanshu Makkar, Advocate  
for the respondent.

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AVNEESH JHINGAN, J (ORAL)

This contempt petition has been filed pleading wilful disobedience of order dated 25.09.2006 passed in CWP No. 2792 of 2005.

The operational part of the order is reproduced below:

*“ In view of the aforementioned view expressed by Hon'ble the Supreme Court, we direct the respondents to grant to the petitioner minimum of the pay scale given to the regular employees of his cadre. The petitioner is held entitled to arrears for three years two months (38 months) preceding the date of filing the petition.*

*We further hold that if sanctioned posts are lying vacant, the respondents shall take immediate steps for filling up those posts by a regular process of selection in accordance with the rules and law. In case the petitioner fulfil all other qualifications of the rules, he should also be permitted to complete, waiving the age restriction imposed for the recruitment and grant him some weightage in lieu of number of years of service rendered by him.*

*The needful shall be done within a period of four months from the date a certified copy of this order is supplied to the respondents.*

*The writ petition stands disposed of in the above terms.”*

Learned counsel for the respondent has filed reply by way of affidavit of Sh. Mahender Kumar Kalra, President, Governing Body, Goswami Ganesh Dutt Sanatan Dharam College, Palwal. Along with the reply, copy of cheque dated 12.02.2019 for ₹2,03,148/- and demand draft dated 21.08.2019 amounting to ₹1,90,270/- have been annexed.

It has been submitted by learned counsel for the respondent that regular post has been filled by appointing Dr. Rajbir Singh as Lecturer, hence, the petitioner could not be appointed.

Learned counsel for the petitioner states that he has no instructions whether the cheque & demand draft has been received by the petitioner or not. He further states that there are calculation errors, the pay has not been rightly fixed. The contention is that the petitioner was not appointed.

In case, the petitioner has not received demand draft, he would approach the respondent and needful would be done by the respondent expeditiously.

With regard to the grievance that petitioner has not been appointed against vacant post, the said argument cannot be considered in the present contempt petition. If aggrieved against the action of the respondent, it gives rise to fresh cause of action for which the petitioner can avail remedy in accordance with law.

Disposed of as infructuous.

Rule issued against the respondent stands discharged.

26.08. 2019

rakesh

***Whether speaking/reasoned*** Yes/No

***Whether reportable*** Yes/No

(AVNEESH JHINGAN)  
JUDGE