

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 49 of 2017

Date of decision: 19.7.2019

Surinder Singh

.. Petitioner

v.

Sh. Suresh Arora and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Sharma, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

...

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 9.5.2016 passed by this court in CWP No. 19100 of 2003. The operative part of the said order is reproduced below:

“In such circumstances, the present writ petition is liable to be allowed since the basis of discharge order itself does not as such subsist any more. Accordingly, the present writ petition is allowed. The discharge order is set aside. The petitioner shall be taken back as SPO. However, he shall not be entitled for any financial benefits for the period he remained out of service keeping in view the observations of the Apex Court in Union of India vs. Jaipal Singh, (2004) 1 SCC 121.”

Compliance report by way of affidavit of Mandeep Singh

Sidhu, PPS, Senior Superintendent of Police, Patiala has been filed.

Learned counsel for the State submits that the order of this court dated 9.5.2016 has been complied with and the petitioner has even joined as Home Guard as the post of Special Police Officer no longer exists.

Learned counsel for the petitioner states that post of Home Guard is lower in rank than the Special Police Officer. He seeks liberty to challenge the said action, if so advised. He further submits that no cause of action survives for pursuing the contempt petition.

In view of the above, the present petition is disposed of as infructuous with liberty as prayed for.

(AVNEESH JHINGAN)
JUDGE

19.7.2019
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No