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

COCP No.739 of 2019

Date of Decision: 16.10.2019

Gurmail Singh

Petitioner

Versus

Dr. Amarpal Singh, IAS, Managing Director, PSPCL, Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Ghumman, Advocate for
Mr. P.S. Khurana, Advocate
for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

AVNEESH JHINGAN, J (Oral):

The petitioner was working as an Inspector in PUNSUP, Patiala. He was placed under suspension by the Managing Director on 26.10.1984. He was charge-sheeted for misappropriation of Wheat and for loss and shortage etc., he was dismissed from service. The order of dismissal was challenged by filing a Civil Suit which was dismissed. The appeal preferred met with the same fate. A Regular Second Appeal bearing RSA No. 198 of 1995 was filed, same was allowed on 08.11.2017. The order of dismissal was set aside. However, it was ordered that it would not result in any consequential benefits at that stage. The punishing authority was

given liberty to appoint fresh Inquiry Officer or himself to consider the entire material and then proceed in accordance with law. The Managing Director considered the matter and vide order dated 12.04.2018, earlier order of dismissal was upheld.

The present contempt petition was filed raising grievance that there is violation of directions of this Court as order already set aside was upheld.

Pursuant to notice of motion, affidavit of Dr. Amarpal Singh, IAS, Managing Director, Punjab State Civil Supplies Corporation Ltd., Chandigarh annexing order dated 30.04.2019 was filed. The respondent realizing the legal error committed had withdrawn the order dated 12.04.2018 and passed fresh order dated 30.04.2019. Even as per order dated 30.04.2018 also, petitioner was dismissed from service.

Learned counsel for the petitioner contends that by passing order dated 12.04.2018, the respondent had committed wilful disobedience and hence liable for contempt of Court.

Learned State counsel submits that on realizing that order dated 12.04.2018 had a legal error, same was voluntarily withdrawn by the respondent and thereafter fresh order was passed after affording opportunity of hearing to the petitioner. She further submits that the order has already been challenged by petitioner in appeal.

Considering the facts in entirety and the aspect that after realizing the error, order dated 12.04.2018 was withdrawn, no case

is made out for punishing the respondent under the Contempt of Courts Act, 1971.

The contempt petition is dismissed.

Rule issued against the respondent stands discharged.

**[AVNEESH JHINGAN]
JUDGE**

October 16, 2019

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