

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

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COCP-1070-2019(O&M)

Date of Decision : March 27, 2019

AJMER SINGH

.....Petitioner

VERSUS

ALOK NIGAM AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Sanjiv Gupta, Advocate for the petitioner.
Mr. Ashish Yadav, Addl. Advocate General, Haryana.
Mr. Somesh Gupta, Advocate for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

CM-6491-CII-2019

Copies of Annexures P-1 to P-6 and P-8 are taken on record.

Filing of their certified copies is exempted.

CM stands disposed of.

COCP-1070-2019

The present contempt petition is filed for disobedience of the order dated 21.12.2018 vide which the operation of the order dated 19.12.2018 granting promotion to one Renu Rani to the post of Personal Assistant on the ground that she was physically handicapped was granted.

While making out a case of contempt, it was contended that vide Annexure P-15, the respondents have shown apparent disregard to the order by saying that owing to the interim order, respondent No.3 shall be allowed to continue to work with the Chief Engineer (NCR) and draw the pay as Senior Scale Stenographer till further orders.

Reply has been filed stating therein that the order of promotion has not been given effect after the Department was made aware of the stay order. No benefit of the Personal Assistant has been granted. In fact, to clarify as also to ensure that there is no anomaly in understanding the intention of the Officer, he immediately after order dated 18.3.2019 passed in this COCP substituted the earlier memo Annexure R-2/2 on 26.3.2019 clarifying as under:-

“In compliance of above stay order, no further action regarding your pay fixation etc. will be taken during the pendency of above writ petition and you will continue to work with Chief Engineer (NCR) as Senior Scale Stenographer and draw pay as senior Scale Stenographer till further order in the matter. The above memo is substituted in view of order dated 18.3.2019 passed in COCP No.1070 of 2019 in CWP No. 38135 of 2018”.

The argument of the learned counsel for the petitioner that she has not been reverted cannot be sustained. The orders Annexures R-2/1 as well as R-2/2 are clear that the respondent has not been given any benefit of the order of promotion which was stayed by this Court. The second part that the subsequent order Annexure R-2/2 could not have been passed too cannot be sustained. In fact, the affidavit of the respondents is very clear that the same was passed to clarify any misunderstanding as raised by the petitioner in the present contempt petition. Further, in fact the passing of the said order shows that there was no malafide on the part of the respondents and there was no intention

to commit the contempt or violate the order passed by this Court.

In fact the very contempt petition is misconceived. The same is accordingly dismissed.

Rule issued against the respondent(s) stands discharged.

March 27, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No