

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

LPA No. 1664 of 2019 (O&M)

Date of decision: 1.10.2019

Baba Hakam Singh and another

.. Appellants

VS

Hardeep Singh

.. Respondent

**Coram: Hon'ble Mr. Justice Rajiv Sharma, Acting Chief Justice
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present Mr. Sameer Sachdeva, Advocate, for the appellants.

Rajiv Sharma, Acting Chief Justice

The respondent has filed CWP No. 24133 of 2018 Hardeep Singh vs State of Punjab and others, in which this Court on 8.10.2018 passed the following order:-

“Petitioner was appointed as Lecturer in Physics on regular basis with privately managed aided college-respondent No.3 on 30.06.2004.

A sexual harassment complaint led to be imposition of punishment order dated 03.08.2018 (Annexure P-10) of stoppage of three increments with permanent effect.

In the instant petition challenge is to the impugned order dated 17.09.2018 (Annexure P-13) whereby his services have been terminated by enhancing the punishment imposed vide Annexure P-10.

It is contended that without any rhyme or reason or following any procedure, the impugned order of termination (Annexure P-13) has been passed *suo motu*. He urged that Annexure P-13 is in retaliation to the writ petition filed by the petitioner seeking release of the

salary, whereby bailable warrants have been issued for securing the presence of the authorities of the college.

Notice of motion for 31.01.2019.

In the meanwhile, operation of the impugned order (Annexure P-13) shall remain stayed.”

Since the order dated 8.10.2018 was not complied with, the respondent filed COCP No. 3556 of 2018. The learned Single Judge directed the appellants to file reply/compliance report to the contempt petition within a period of four weeks vide order dated 1.11.2018. On 28.3.2019, the learned Single Judge passed the order with the specific observations that if the order is not complied with before the next date, the respondents therein shall be present in the Court and they were also burdened with costs of ₹ 50,000/-.

Thereafter, the learned Single Judge on 1.5.2019 passed the following order:-

“In pursuance to the order dated 28.3.2019, respondent No.2- Summi Arora, Principal is present in the Court. However, exemption application has been filed on behalf of respondent No.1-Baba Hakam Singh stating therein that he is away to Shivpuri, Madhya Pradesh since 3.3.2019 and shall be back on 17.3.2019. In view of the same, personal appearance of respondent No.1 is exempted for today.

Reply has been filed stating therein that the matter was remanded to the Educational Tribunal with liberty to move an application for modification of the said order and the respondents have, accordingly, filed an application for the modification which is listed on 16.7.2019.

In case the order dated 8.10.2018 is not vacated or modified in any manner, the respondents shall comply with by the next date of hearing.

List on 25.7.2019.

Meanwhile the costs of Rs.50,000/- which was imposed by also brought before the Court in the form of a demand draft in the name of the petitioner.”

Learned counsel for the appellants submits that though the respondent has been relegated to the Educational Tribunal, Punjab, but the fact of the matter is that till date order dated 8.10.2018 has not been complied with.

Accordingly, there is no merit in the present appeal. The same is dismissed.

(Rajiv Sharma)
Acting Chief Justice

1.10.2019
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No