

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 4108 of 2019
Date of decision: 11.12.2019

Sanjay Kumar

.. Petitioner

v.

A. Sreenivas and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Rana, Advocate for the petitioner.
Mr. Sandeep S. Mann, Senior DAG, Haryana.

...

AVNEESH JHINGAN, J. (Oral)

A bunch of petitions was filed seeking a direction to consider the claim of the petitioners (in the writ petitions) for their adjustment under the Policy of Adjustment/Notice dated 13.7.2018 and 28.1.2019. Learned counsel for the petitioners at the time of arguments of the writ petitions submitted that the petitioners had made representations which are lying undecided.

The writ petitions were disposed of on 22.7.2019 directing the respondents to decide the representations by passing a speaking order after providing an opportunity of hearing. It was further ordered that if decision is not taken within the stipulated time, it will entail into imposition of costs of ₹25,000/-. The condition of imposition of costs was only as prevention, so that the petitioners do not have to avail remedies for compliance of the

order.

The present petition is filed pleading that needful has not been done by the respondents.

Affidavit dated 10.12.2019 of Mr. A. Sreenivaas, IAS, Director, Higher Education, Haryana filed in Court is taken on record, copy handed over to learned counsel for the petitioner. With the reply, public notice dated 18.9.2019 and order dated 7.11.2019 are annexed.

Learned counsel for the State submits that by passing the order dated 7.11.2019, directions of this Court have been complied with and the order was passed after providing an opportunity of hearing. He further submits that there is delay of approximately one week in passing the order. For the delay, unconditional apology is tendered and it is explained that the order was to be passed upto 30.10.2019 as the admission process was over on 31.8.2019. It is submitted that delay occurred due to the number of candidates and procedure involved.

Learned counsel for the petitioner submits that the claim of the petitioner is wrongly rejected. It is argued that it is a case of discrimination as some of the employees have been adjusted whereas the claim of the petitioner is rejected. He further submits that though the petitioner appeared in pursuance to the public notice and filled the proforma but was not given patient hearing.

The said aspect cannot be gone into in the present contempt proceedings. The direction of the writ court was only with regard to the representation to be decided. There is substantial compliance of the direction of this Court, in such circumstances, no case is made out for further punitive order.

The contempt petition is disposed of. However, the petitioner shall be at liberty to avail remedies in accordance with law against the order dated 7.11.2019.

(AVNEESH JHINGAN)
JUDGE

11.12.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No