

In the High Court of Punjab and Haryana, at Chandigarh

C.O.C.P. No. 1285 of 2020

Date of Decision: 10.12.2020

Balraj

... Petitioner(s)

Versus

Pankaj Yadav and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sunil Kumar Nehra, Advocate
for the petitioner(s).

Mr. Arvind Seth, Advocate
for the respondents.

Anil Kshetarpal, J.

This petition under Section 11 and 12 of the Contempt of Courts Act, 1971 has been filed asserting deliberate disobedience of the order dated 27.05.2020 passed in Civil Writ Petition No. 7479 of 2020 (“Satyavir Singh and Another v. State of Haryana and Others”) which reads as under:-

“Learned counsel for the petitioners, inter alia, would contend that petitioners had been sent on deputation for a period of one year, which deputation period for petitioner No.2 had been extended till 17.05.2021 whereas services of petitioner No.1 had been accepted by the respondents till a regular incumbent had been posted through selection by Haryana Staff Selection Commission. It is argued that without any reason they have been repatriated to their parent

departments.

Notice of motion for 06.08.2020.

On the asking of Court, Ms. Shruti Jain Goyal, Addl. A.G., Haryana, who is present through the medium of Video Conferencing, accepts notice for respondents No.1 to 3.

Till the next date of hearing, operation of the impugned orders (Annexures P-9 & P-14 collectively) shall remain stayed”.

The petitioner was posted as Sub Divisional Engineer, in the office of Estate Officer-I, Haryana Shehri Vikas Pradhikaran, Gurugram. He was ordered to be repatriated to his parent department and consequently relieved from the office. The writ petition filed by the petitioner has been rendered infructuous as the order by which he was ordered to be repatriated to his parent department stands withdrawn.

In the petition for initiating contempt proceedings, the petitioner alleges that since both the orders i.e. 03.03.2020 and 15.05.2020, were stayed, therefore, the respondents were required to permit him to join in the same office and hence, the order passed (Annexure P5), permitting the petitioner to join at Haryana Urban Development Authority, Division No. 6, Gurugram, amounts to violation and therefore, the respondents are liable to be punished.

On a Court question, learned counsel for the petitioner, admits that after the repatriation order was cancelled, the petitioner can be posted in any of the office.

Keeping in view the aforesaid facts, this Court does not find it

appropriate to further proceed with the contempt petition and the same stands disposed of.

(Anil Kshetarpal)
Judge

December 10, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No