

COCp-1964-2020

Date of Decision: 11.11.2020

Sandeep Kumar

...Petitioner

vs.

Devender Singh and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present : Ms. Anu Chatrath, Sr. Advocate with
Ms. Daljit Kaur, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for willfully, deliberately, knowingly and intentionally not complying with order Annexure P/1 dated 14.08.2015, in CWP No.16727 of 2015.

3. Learned counsel contends that vide order Annexure P/1 dated 14.08.2015 while issuing notice of motion in the aforementioned matter, status quo with regard to service of the petitioner was ordered to be maintained but the respondents in derogation of the aforementioned order of status quo, terminated the services of the petitioner vide order Annexure P-6 dated 03.09.2020, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Ms. Anu Chatrath, Sr. Counsel assisted by Ms. Daljit Kaur, Advocate states that as per reply filed on behalf of respondent Nos.1 and 2, it has been mentioned that respondent No.3 took the action to terminate the

respondent Nos.1 and 2 thereby resulting in violation of the orders of status quo.

5. Learned Addl.A.G. Haryana, on instructions from respondent Nos.1 and 2 states that order Annexure P-6 dated 03.09.2020 terminating the services of the petitioner has been withdrawn and the petitioner has been taken back in service vide order Annexure R-2 dated 30.10.2020 and that in pursuance thereof the petitioner will also be paid salary for the period he was wrongly kept out of service i.e. for two months, within four weeks from today, besides appropriate action would be taken against respondent No.3 as may be warranted in the facts and circumstances of the case.

6. The same satisfies learned counsel for the petitioner, who states that in the circumstances she does not press the Contempt Petition and the same may be disposed of as such.

6. Accordingly, in view of the statement of learned counsel for the parties, the petition is **disposed of** by directing the respondents to release the salary of the petitioner for two months i.e. the period for which he was wrongfully kept out of service as also take action if any warranted in the facts of the case on receipt of reply from respondent No.3 in response to letter Annexure R/1, within four weeks from the date of receipt of certified copy of the order.

(B.S. Walia)
Judge

11.11.2020

'PS-Rajesh'

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