

COC-397-2021

Date of Decision: 15.02.2021.

Shyam Singh

...Petitioner

vs.

Krishan Kumar and another

...Respondents

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

Present: Mr. H.C. Arora, Advocate for the petitioner.

B.S. Walia, J. (VC)

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

2. Learned counsel contends that despite order dated 21.01.2020, in CWP-11202-2017, directing the Chairman, Recruitment Board-cum-Principal Secretary, School Education Department, Punjab and the Directorate, Directorate-cum-District General School Education Recruitment Department of School Education to consider the claim of the petitioner for appointment to the post of Sikhya Service Provider (PTI) within four weeks and in case of the petitioner being selected, to issue appointment letter along with consequential benefits (notional) if any, from the date, persons lower in merit than the petitioner were so appointed within a further period of four weeks, needful has not been done till date, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of order dated 21.01.2020, in CWP-11202-2017.

3. Issue notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for intentional and willful defiance with orders dated 21.01.2020, in CWP-11202-2017.

4. Ms. Akshita Chauhan, AAG, Punjab, accepts notice on behalf of the respondents and has placed on record copy of letter dated 12.02.2021 issuing appointment to the petitioner on the post of Sikhya Service Provider (PTI) and mentioning therein that the petitioner would be entitled to notional consequential benefits with effect from the date persons lower in merit than the petitioner were appointed. The appointment letter is taken on record. Copy thereof supplied to learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as not pressed at this stage while directing the respondents to pass appropriate orders with regard to the notional consequential benefits with effect from the date persons lower in merit than the petitioner were so appointed within a stipulated period of time.

5. Learned State counsel on instructions from the Law Officer, Office of the Deputy Director, Education Recruitment Directorate, Punjab, states that needful would be done within four weeks from today vis-à-vis claim of the petitioner qua grant of notional consequential benefits with effect from the date persons lower in merit than the petitioner were appointed.

6. Accordingly, in view of the position as noted above as well as statement of learned counsel for the parties, the Contempt Petition is

disposed of as not pressed at this stage while directing the respondents to pass appropriate orders within four weeks from today vis-à-vis the claim of the petitioner for notional consequential benefits with effect from the date persons lower in merit than the petitioner were appointed. Needless to mention, in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the Contempt Petition.

(B.S. Walia)
Judge

15.02.2021.

'PS'

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