

COCp-1054-2021

Date of Decision: 21.05.2021.

Dr. Lalita

...Petitioner

vs.

Anand Mohan Sharan, IAS and others

...Respondents

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

Present: Ms. Amrita Nagpal, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

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

2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for intentional and willful defiance of order dated 05.02.2020, in CWP-3215-2020, which was passed in terms of order dated 07.03.2019, in CWP-6192-2019, and order dated 09.10.2018, in CWP-26077-2018, in case titled as Mamta Rani and others vs. State of Haryana and others.

3. Learned counsel contends that vide order dated 05.02.2020, notice of motion was issued in CWP-3215-2020 and the same was ordered to be heard along with CWP-6192-2019, while granting interim order in the same terms. Learned counsel further refers to order dated 07.03.2019, in CWP-6192-2019, in which, while issuing notice of motion, it was directed that in the meantime, the petitioner shall continue to work as per directions given by this Court in CWP-26077-2018, in case titled as Mamta Rani and others vs. State of Haryana and others. Learned counsel also refers to order

dated 09.10.2018, in CWP-26077-2018, titled as Mamta Rani and others vs. State of Haryana and others, vide which, the writ petition was disposed of with a direction to the respondents to allow the petitioners therein to work till regular appointments were made and not to replace them on the basis of transfer of regular employees, while making it clear that the petitioners therein would be relieved, if some new regular candidate joined, as per the decision in Menka and others vs. State of Haryana and others, decided on 05.05.2016.

4. Notice has not been issued in the instant case. However, learned DAG, Haryana, who had taken time on 17.05.2021, to obtain instructions, has brought to the notice of this Court Memo No.15/109-2021-C-1(5) dated 18.05.2021, issued by the Director, Higher Education, Haryana, Panchkula, to the Advocate General, Haryana, stating therein that no cause of action had accrued in favour of the petitioner, since no order of this Court had been violated by the respondents as the services of the petitioner were not being dispensed with or affected in view of transfer of Shri Ghanshyam from Govt. College, Bahadurgarh. The aforementioned communication is taken on record.

5. In view of the position noted above, the apprehension of the petitioner that her services would be dispensed with in derogation of the order as referred to above, is without any basis.

6. Accordingly, the Contempt Petition is disposed of as not calling for any orders. Needless to mention, the petitioner would be at liberty to take out appropriate proceedings in accordance with law in respect of any other grievance other than with regard to violation of the order as referred to above.

21.05.2021.

‘Rajesh’

(B.S. Walia)
Judge

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