

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No.2137-2021(O&M)
Date of Decision: October 28, 2021

Raghubir Singh

...Petitioner

Versus

Mukul Kumar and another

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Parth Goyal, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

The present Contempt Petition has been filed alleging disobedience of the order dated 02.03.2020 (Annexure P-1) passed in CWP No.5839 of 2020.

Bal Kishan Salesman, Sumit Kumar Clerk and Ramesh Kumar Peon had filed the aforesaid writ petition challenging their termination from The Kamoda Cooperative Credit & Service Society Limited. The present petitioner Raghubir Singh is the President of the Managing Committee of the said Society. In the writ petition, on 02.03.2020, the following order was passed:-

“Learned counsel contends that the impugned order, terminating the services of the petitioners is contrary to the factual position, as the petitioners fulfill the eligibility conditions for appointment and continuation on the posts concerned.

Notice of motion for 20.03.2020.”

It is the case of the petitioner that due to Covid-19 pandemic situation, the writ petition could not be heard and computer generated dates were updated on the website of the High Court by the National Informatics Centre. During the pendency of the writ petition, the three employees (petitioners in CWP-5839-2020) approached the Deputy Commissioner, Kurukshetra (respondent No.1) for an enquiry, who appointed Gulzar Ahmed, HCS (respondent No.2) as an Enquiry Officer to enquire on five issues. In the enquiry report dated 29.06.2020, on issue No.3, the Enquiry Officer observed as under:-

“In CWP No.5839/2020 Order dated 02.03.2020, the Hon'ble High Court of Punjab & Haryana also admitted that the terminating the services of the petitioner is contrary to the factual position, as the petitioners fulfils the eligibility conditions for appointment and continuation on the post concerned.”

The petitioner alleges that while giving above finding in the enquiry, the Enquiry Officer (respondent No.2) has violated the order dated 02.03.2020 passed by this Court, as this Court never ordered for reinstatement of the petitioners in the said writ petition.

Having heard Ld. Counsel for the petitioner, this Court does not find any merit in this petition.

A perusal of the Enquiry Report (Annexure P-1) reveals that respondent No.1 had directed respondent No.2 to enquire regarding misappropriation in The Kamoda Cooperative Credit and Services Society.

The enquiry was conducted on the following points:-

“1. Cutting down the trees from the premises of society.

2. *Auctioning of damaged items without informing the Society.*
3. *Suspension of society employees despite having prerequisite qualifications.*
4. *White wash and painting in the premises of society.*
5. *Convene a meeting outside the society premises and opening a new proceedings book with malafide intentions.”*

Respondent No.2 enquired into the aforesaid issues and submitted his detailed report dated 29.06.2021 to respondent No.1.

In the circumstances, there appears to be no ground to proceed against the respondents for contempt of the order dated 02.03.2020 merely on the basis of the observations in the Enquiry Report.

The petition stands disposed of.

October 28, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No