

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

144

COCP-492-2022

Date of Decision : 28.04.2022

Rakesh Kumar

....Petitioner

V/S

Dr.Jayant Ahuja and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : None for the petitioner

Mr.Pawan Kumar Longia, DAG Haryana

ANIL KSHETARPAL, J (ORAL)

Complaining violation of interim order passed by the Court in CWP-20605-2020, titled as “Rakesh Kumar Vs. State of Haryana and others”, dated 21.01.2021, vide which interim directions were issued in terms of order dated 04.11.2020 passed in CWP-18510-2020, the petitioners have filed the present petition under Sections 10 and 12 of the Contempt of Courts Act, 1971. The operative part of the order dated 04.11.2020 reads as under:-

“Inter alia contends that petitioners were appointed in the year 2018 as contractual employees and were working on the post of GDA (Ward Attendant). Vide Annexure P-5 dated 14.10.2020, respondent No.3 has replaced the petitioners with private respondent Nos.4 and 5. Reliance is placed upon the order dated 09.09.2020 (Annexure P-4) of respondent No.2 that replacing employees at own level at various health centers is a serious issue and no fresh appointment is allowed as Civil Surgeon, Kaithal is the principal employer.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the State-respondent Nos.1 and 2.

In the meantime, operation of Annexure P-5 dated 14.10.2020 shall remain stayed.

To come up on 09.12.2020, for service of respondent Nos.3 to 5.”

Admittedly, the writ petition is pending. It has been brought to the notice of the Court by learned counsel for the respondents that the petitioner previously filed COCP-405-2021, through same counsel, which was disposed of on 25.02.2022, with the following order:

“Learned counsel representing the petitioner admits that the petitioner has been permitted to resume his duties. However, he submits that the petitioner is not being paid the salary. Admittedly, the writ petition is pending in the Court.

Hence, the contempt petition is disposed of with liberty to the petitioner to file an application in the pending writ petition.

All the pending miscellaneous applications, if any, are also disposed of.”

In the considered opinion of the Court, the petitioner should not have filed another application for initiating contempt proceedings particularly when he has been granted liberty to file an application in the pending writ petition.

In view thereof, no ground to initiate proceedings under the Contempt of Courts Act, 1971.

Disposed of.

(ANIL KSHETARPAL)
JUDGE

28.04.2022

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