

Kuldeep Singh

...Petitioner

Versus

Mamta Singh and another

...Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Dr. S.K. Redhu, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P/1, dated 19.02.2020 in CWP No.73 of 2019 in case titled as Kuldeep Singh, Head Constable No.17/RTK vs. State of Haryana and others.

[2] A perusal of order, Annexure P/1 reveals that CWP No.73 of 2019 was disposed of vide order dated 19.02.2020. Operative part of the order is reproduced as under:-

“This Court therefore in peculiar facts as noticed above, deems it appropriate to direct that the petitioner henceforth will be entitled to the enhanced subsistence allowance till the conclusion of the enquiry (if the Competent Authority comes to the conclusion to proceed further with the enquiry).

However, in case, the Competent Authority comes to the conclusion to close the proceedings and allow the petitioner to be reinstated, consequential orders be passed within two months thereof.”

[3] At the outset, learned DAG refers to reply filed by Superintendent of Police, Rohtak on behalf of respondent Nos.1 and 2 to contend that an application was submitted by the petitioner on 07.10.2020 for consideration for promotion to the rank of ASI on completion of 10 years currency of punishment whereupon his case was sent to the Additional Director General of Police, Rohtak Range, Rohtak for promotion w.e.f. 15.08.2020 vide letter No.9300-H dated 29.10.2020 and further his case for grant of 3rd ACP was also sent vide No.5241/H dated 09.08.2021 and he was granted 3rd ACP scale w.e.f. 01.09.2020 and that all consequential benefits of promotion and 3rd ACP scale benefits have been granted /paid to the petitioner and no dues are pending against the department. Learned DAG further on the basis of paragraph No.9 of the reply contends that the petitioner cannot claim seniority and promotion equivalent to Head Constable Ved Parkash No.250/RTK as the petitioner's record was adverse in comparison to the record of Head Constable Ved Parkash No.250/RTK and that in the circumstances, order, Annexure P/1 dated 19.02.2020 in CWP No.73 of 2019 having been complied with, no further action is called for against the respondent in the instant petition.

[4] Per contra, learned counsel for the petitioner contends that the petitioner has not been given promotion as was given to his junior namely Head Constable Ved Parkash No.250/RTK.

[5] I have considered the submissions of learned counsel for the parties.

[6] Admittedly vide order, Annexure P/1 dated 19.02.2020 in CWP No.73 of 2019, the petitioner was held entitled to enhanced subsistence allowance till the conclusion of the enquiry with the further observation that in case the competent authority decided to close the proceedings and reinstate the petitioner, consequential orders were to be passed within two months thereof.

[7] As per paragraph No.3 of the preliminary submissions of the reply and paragraph No.9 of the reply on merit, benefits as per entitlement have been released to the petitioner and he was promoted as ASI w.e.f. 15.08.2020 vide letter No.9300-H dated 29.10.2020, besides, 3rd ACP scale was also granted w.e.f. 01.09.2020 resultantly, all admissible benefits granted to the petitioner whereas claim of the petitioner for promotion as granted to his junior namely Head Constable Ved Parkash No.250/RTK, was not admissible on account of the record of the petitioner being adverse.

[8] In the circumstances, no case is made out for proceeding against the respondents under the Contempt of Courts Act, 1971. Accordingly, the contempt petition is dismissed. However, liberty is granted to the petitioner to take out appropriate proceedings in accordance with law for redressal of his grievance, if any.

(B.S. Walia)
Judge

10.11.2022
'Amit'

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