

[120] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.885 of 2022

Date of Decision :15.09.2022

Bharti Devi ...Petitioner

versus

Smt. Ranjeet Kaur, HCS, Special Secretary
(Joint Secretary) Revenue and Disaster
Management Department (Rehabilitation Branch),
Haryana, Chandigarh.Respondent

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

Present : Mr. Sitanshu Sharma, Advocate for the petitioner.
Mr. Manish Dadwal, Asstt. AG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiation of proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 17.07.2018, in CWP No.17457 of 2016 in case titled as '**Yog Pal** **versus** **State of Haryana and others**'.

[2] A perusal of order (Annexure P-1) reveals that CWP No.17457 of 2016 was decided in terms of CWP No.25747 of 2015 in case titled as '**Satish Kumar and others** **versus** **State of Haryana and another**'.

[3] A perusal of the decision in **Satish Kumar's** case (supra) reveals that the same was decided in terms of decision in '**Dharam Singh** **versus** **State of Haryana and others**', CWP No.24527 of 2013 which in turn was decided in terms of decision in '**Satyavir Singh** **versus** **State of Haryana and others**', CWP No.7061 of 2009, decided on 24.09.2009.

[4] Learned Asstt. AG, Haryana, states that no action is called

(Annexure P-2) dated 20.06.2019 having been passed, therefore, if so advised, the petitioner may challenge the same by way of appropriate proceedings in accordance with law.

[5] A perusal of order (Annexure P-2) reveals that the petitioner had filed CWP No.17457 of 2016 for the issuance of a writ in the nature of Mandamus, directing the respondents to grant deemed date of appointment to the petitioner as had been given to other appointed candidates in pursuance of selection list dated 15.10.1989 prepared by the Haryana Staff Selection Commission and to grant benefit of notional pay fixation and seniority along with all consequential benefits, at par with candidates/employees who had joined service prior to the petitioner.

[6] The order further records that in the Rehabilitation Department, there are three cadres ever since the organization of the State of Haryana, viz (i) Headquarters Staff (ii) Land Claim Organization Staff (iii) Field Staff and that requisition of vacant posts in the aforesaid cadres was made separately as per vacancies available at that time. Recruitment of Clerks was made in the aforesaid cadres on the basis of qualifications prescribed by the Government vide letter No.5025-1 GS 1-73 dated 08.09.1972 and No.4770-5GS 1-76/21278 dated 13.08.1976 on the basis of recommendations by the Subordinate Services Selection Board. As per the instructions, qualification of Headquarters Staff was Matric 1st Division or Graduate and for B-Class the qualifications was Matric only and further that the petitioner's husband Shri Yog Pal was appointed as Clerk in B-Class office i.e. Land Claim Organization as per his

thepetitioner was claiming seniority was appointed as Clerk in the A-Class i.e. Headquarters as her qualification was Graduate.

[7] Accordingly, in view of the cadre of Smt. Jag Maya being different than the cadre of the petitioner, the claim of the petitioner for grant of seniority over and above Smt. Jag Maya was rejected.

[8] Faced with the aforementioned position, learned counsel prays for permission to withdraw the instant petition with liberty to file challenge order (Annexure P-2) dated 20.06.2019 by way of appropriate proceedings in accordance with law.

[9] In view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

15.09.2022

'Rajneesh'

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