

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-1101-2021(O&M)
Date of Decision :26.05.2022

Braham Parkash ...Petitioner
Versus
Jaibir SinghRespondent

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

Present : Mr. Rahul Makkar, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiation of proceedings against the respondent for intentional and willful defiance of order, Annexure P/1 dated 08.12.2020 in CWP No.21011 of 2020.

[2] A perusal of order, Annexure P/1 reveals that grievance of the petitioner was that he was appointed as a Chowkidar on 01.01.1993 in the BC-A Category at collector rates whereafter his services were regularized vide order dated 23.05.1996 but in the year 1997, his services were terminated but said termination was set aside and the petitioner was reinstated pursuant to decree of the civil suit instituted by him challenging his termination, whereafter in the year 2017, he was promoted to the post of Sewadar and after that no further promotion had been granted to him although he had put in adequate number of years of service and juniors to him had been promoted. The aforementioned writ petition was disposed of by directing respondent No.2 therein to consider and decide legal notice dated 01.02.2020 filed by the petitioner in accordance with law and rules within eight weeks from the date of receipt of certified copy of the order.

[3] Learned DAG refers to promotion order (Annexure R/1) as

well as speaking order (Annexure R/2) dated 25.11.2021 and 30.11.2021 promoting the petitioner as Clerk notionally in the pay scale of Rs.5200-20,200 + 1900 (GP) w.e.f. 25.01.2008 i.e. the date from which his juniors were promoted as Clerk.

[4] Learned Counsel for the petitioner states that in the circumstances, the petitioner is not interested in pursuing the instant petition and may be permitted to withdraw the same with liberty to take out appropriate proceedings in accordance with law to challenge promotion order, Annexure R/1 dated 30.11.2021 to the extent the same grants promotion to the petitioner notionally only. In view of the position noted above, no further action is called for against the respondent under the Contempt of Courts Act, 1971. The contempt petition is accordingly disposed of as such while granting liberty to the petitioner to take out appropriate proceedings in accordance with law to challenge promotion order, Annexure R/1 dated 30.11.2021 to the extent the same grants promotion to the petitioner notionally only.

(B.S. Walia)
Judge

26.05.2022

'Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>