

COCp-2202-2021

Date of Decision : 17.01.2022

Phool Singh and others

...Petitioners

versus

J. Ganeshan, IAS

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sandeep Kumar Goyat, Advocate for the petitioners.
Mr. Pawan Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating proceedings against the respondent for intentional and willful defiance of order Annexure P/1 dated 20.07.2020, in CWP-10235-2020.
3. Learned counsel contends that the petitioners are similarly placed as petitioners in CWP-4301-2013, which was allowed vide order dated 22.12.2015 and that LPA filed against the said judgment was withdrawn by the respondent, therefore, in terms of order dated 22.12.2015, in CWP-4301-2013, while issuing notice of motion for 30.10.2020, it was directed that in the meantime, if the respondents themselves found that the petitioners were similarly placed and no order had been passed in the review application of the respondents, the petitioners would also be treated at par with the petitioners of CWP No. 4301 of 2013 and granted promotions accordingly. Learned counsel contends that the petitioners are similarly placed as the petitioners in

CWP-4301-2013, therefore, are entitled to be granted promotion accordingly but despite orders dated 20.07.2020, needful has not been done. Operative part of order dated 22.12.2015 in CWP No. 4301 of 2013 is reproduced as under:-

“In view of the facts as well as law position as discussed above, the present petitions deserve to be allowed and the impugned orders dated 20.02.2013 (in CWP No.4301, 23444, 8184, 8105, 6134 and 10223 of 2013), 28.01.2014 (in CWP No.2884 and 2872 of 2014), 10.02.2014 (in CWP No.10922 and 12949 of 2014) are hereby quashed. A direction is also issued to the official respondents to consider the candidatures of all eligible candidates, who fulfill the requisite qualifications/experience as per amended Rules of 2012 within a period of three months from the date of receipt of certified copy of this order and pass necessary orders accordingly.”

4. On query, learned counsel for the petitioners has not been unable to show any averment in the instant petition that the petitioners are eligible candidates and fulfill all the requisite qualifications / experience as per the amended Rules of 2012.

5. Faced with the aforementioned position, learned counsel for the petitioners prays for permission to withdraw the instant petition with liberty to file a fresh petition with better particulars.

6. In view of the statement of learned counsel for the petitioners, the instant petition is dismissed as withdrawn, with the liberty as prayed for.

(B.S. Walia)
Judge

17.01.2022
Rajesh