

COCp-2426-2021

Date of Decision :15.03.2022

Balwinder

...Petitioner

Versus

Ajay Sharma and anr.

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. H.C. Arora, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondents for intentional and willful defiance of orders, Annexure P/1 dated 24.02.2021 in CWP No.4348 of 2021 in case titled as Balwinder vs. State of Punjab and Ors.

[2] A perusal of order, Annexure P/1 dated 24.02.2021 reveals that while issuing notice of motion in CWP No.4348 of 2021 on challenge to charge-sheet dated 04.07.2016 issued by the respondents and consequential initiation of disciplinary proceedings qua allegation of the petitioner having obtained employment as Primary Teacher in the department in the category of Scheduled Castes on the basis of SC category Certificate dated 03.03.1991 despite the fact that before her marriage, the petitioner belonged to Backward Class and had obtained the aforesaid SC Certificate on the basis of marriage,

the petitioner was allowed to continue in service till the next date of hearing. Learned counsel contends that said order was continued from time to time but the respondents did not allow the petitioner to join duty.

[3] On 28.02.2022, learned State counsel had produced copy of order dated 25.02.2022 permitting the petitioner to join service in view of order dated 24.02.2021 in CWP No.4348 of 2021.

[4] It needs noticing here that on 14.12.2021, while noticing the stand of the learned State counsel that application for vacation of order dated 24.02.2021 had been filed and the same was pending, the case was adjourned to 07.02.2022 while making it clear that if the order was not modified/vacated by the next date of hearing, respondents would be bound to comply with the said order. On 07.02.2022, learned State counsel sought more time to submit compliance report whereupon the case was adjourned to 28.02.2022 for submission of compliance report subject to payment of costs of Rs.15,000/- while making it clear that in case compliance report was submitted three days before the date fixed with copy to learned counsel for the petitioner, costs imposed would not be payable.

[5] As noticed above, on 28.02.2022, compliance report dated 25.02.2022 was filed by the learned State counsel. However, there is no mention in the same of the outcome of the application for vacation of stay of order dated 24.02.2021.

[6] At this stage, learned counsel for the petitioner states that in view of order dated 25.02.2022, the petitioner does not press the instant

to the petitioner to challenge the same by way of appropriate proceedings in accordance with law.

[7] I have considered the submissions of learned counsel and in the light 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 respondents under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to challenge order dated 25.02.2022 by way appropriate proceedings in accordance with law.

(B.S. Walia)
Judge

15.03.2022
'Amit'

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