

COCp-2683-2021

Date of Decision : 09.05.2022

Tek Ram Duggal

...Petitioner

Versus

J. Ganesan

....Respondent

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

Present : Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the instant petition is for initiating action against the respondents for intentional and willful defiance of order, Annexure P/1 dated 13.12.2018, in CWP-31708-2018.

2. A perusal of order Annexure P/1 dated 13.12.2018, reveals that the Court while taking into account that the petitioner had been initially reemployed for a period of one year vide order dated 09.02.2015, which was extended on 03.07.2018 for another year i.e. upto 11.06.2019, but services of the petitioner had been terminated vide order dated 04.10.2018 in view of instructions dated 06.08.2018 which provided that re-employment could not be permitted beyond 65 years of age, while observing that the instructions were prospective in nature and that services of the petitioner could not be dispensed with vide order dated 04.10.2018 as the petitioner had a right to work till the age of 65 years, stayed the operation of order dated 04.10.2018, terminating the services of the petitioner.

Annexure P/1 dated 13.12.2018, the petitioner was allowed to continue in service till attaining the age of 65 years i.e. upto June, 2019, therefore, no action under the Contempt of Courts Act, 1971, is called for against the respondent.

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 challenge order Annexure P/2 dated 16.11.2021, by way of appropriate proceedings, in accordance with law.

5. The same is not opposed to by the learned DAG, Haryana.

6. 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 respondents under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

09.05.2022
rajesh/rimpal

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