

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Reserved on: 16.03.2023

Decided on : 20.03.2023

1. COCP-3825-2018 (O&M)

Purushotam Dass

... Petitioner

Vs.

Sudhir Rajpal

.. Respondent

2. COCP-4831-2018 (O&M)

Narinder Kumar Dahiya

... Petitioner

Vs.

Sudhir Rajpal

.. Respondent

3. COCP-9880-2018 (O&M)

Ram Saran Kalsi and another

... Petitioners

Vs.

Sudhir Rajpal

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Rawat, Advocate
for the petitioner(s).

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This common order shall dispose of aforementioned three contempt petitions.

In COCP-3825 & 9880-2018, the petitioner(s) allege violation of the order dated 12.07.2018 passed in CWP-16752-2018.

In COCP-4831-2018, the petitioner alleges violation of the order dated 11.09.2018 passed in CWP-23070-2018.

While issuing notice of motion and relying upon contention of learned counsel for the petitioners that CWP-15938-2018 is pending, CWP-16752-2018 was also tagged with the same and the interim order was also passed in the same terms. In CWP-15938-2018, on 04.07.2018, while issuing notice of motion and relying upon another CWP-15057-2018 titled as Rajpal Sharma Vs. State of Haryana, interim order was passed in the same terms. In CWP-15057-2018, on 01.06.2018, while issuing notice of motion, operation of the impugned order changing date of regular promotion of the petitioner was stayed.

As per affidavit of Additional Chief Secretary to Govt. Haryana, Development and Panchayats Department, detail of all the litigations is given.

It is stated that for the first time, notice was issued in CWP-15057-2018 titled as Rajpal Sharma Vs. State of Haryana, in which there was a reliance on another CWP-3479-1993.

Learned State counsel submits that interim order passed on 01.06.2018 passed in CWP-15057-2018 was modified vide order dated 27.07.2018, whereby the words appearing in the order dated 01.06.2018 i.e. “Meanwhile, operation of the impugned order dated 14.05.2018 (P-10) shall remain stayed” are modified and shall be read as “Meanwhile, operation of the impugned order dated 14.05.2018 (P-10) shall remain stayed qua petitioner only.” It is further submitted that order of modification in CWP-15057-2018 would be applicable to all the writ petitions, wherein notice was issued while relying upon the order dated 01.06.2018. Learned State counsel has relied upon another order dated 27.01.2000 passed in COCP-3754-2018 titled as Sandeep Dhillon and another Vs. Sudhir Rajpal, wherein noticing the aforesaid facts, contempt petition was dismissed.

Learned State counsel has further submitted that the petitioner has challenged the aforesaid order dated 14.05.2018, vide which seniority list of SDOs was issued by filing CWP-16752-2018, wherein the writ Court vide order dated 12.07.2018, while issuing notice of motion, stayed operation of the order dated 14.05.2018 qua the petitioner in terms of the order dated 04.07.2018 passed in CWP-15938-2018. Therefore, it is clear that the writ Court vide order dated 12.07.2018 stayed operation of seniority list issued vide

order dated 14.05.2018 in respect of the petitioner only. Meaning thereby, the seniority position of the petitioner assigned to him prior to passing of the order dated 14.05.2018 is to be maintained as such. Thus, it is also clear that vide interim order dated 12.07.2018, the respondent has not been restrained to make promotions to the post of Executive Engineers. It is thus submitted that the respondent has not violated the interim order passed by the writ Court.

In view of the above, no willful disobedience is made out.

Accordingly, all these contempt petitions are dismissed.

The petitioner(s), if so advised, may avail the alternative remedy, in accordance with law.

A photocopy of this order be placed on files of connected cases.

[ARVIND SINGH SANGWAN]
JUDGE

20.03.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No