

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-2301-2023 (O&M)
Date of decision: 13.10.2023

Rajnish Kumar Sharma
.....Petitioner
Versus
Rajesh Khullar and another
....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mansur Ali, Advocate
with Mr. Imran A. Ali, Advocate for the petitioner.

Mr. R.S. Budhwar, Advocate for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated
19.06.2023 passed in CWP No.13496 of 2023, which reads as under:-

*“Learned counsel representing the respondent No.2
submits that he has instructions to state before this court
that the respondents are withdrawing the order (Annexure
P-25), which is subject matter of the present petition.*

*In view of the above, nothing survives in the present
writ petition and accordingly the same is dismissed as
infructuous.*

Ordered accordingly.”

Brief facts of the case are that some show cause notices
were issued to the petitioner alleging misconduct which were
challenged by the petitioner by way of filing CWP No.6804 of 2023, in
which while issuing notice of motion on 23.03.2023, it is directed that
the service of the petitioner be not terminated. The order continued on
the next date i.e. 24.04.2023.

The said writ petition was finally disposed of on 19.05.2023, by passing the following order:-

“Prayer in the present petition is for issuance of a writ quashing the order dated 22.02.2023 (Annexure P-17) and the show cause notices dated 10.03.2023 (Annexures P-20 and P-21).

It has been pointed out by the learned State counsel that vide order dated 15.05.2023 (Annexure R-8) passed by the State Project Director, the impugned order and show cause notices have already been withdrawn and thus, the present petition has become infructuous.

In view of the above, no further orders are called for. Disposed of.”

Thereafter, an order dated 08.06.2023, was passed rejecting the extension of the period beyond the contract period i.e. 31.05.2023.

This order was challenged by the petitioner by way of filing the aforesaid CWP No.13496 of 2023.

Counsel for the petitioner has submitted that despite the undertaking given before this Court, the petitioner has not been permitted to join back the services.

Reply by way of affidavit of the State Project Director, Haryana School Shiksha Pariyojana Parishad, Siksha Sadan, Panchkula, is filed, in which it is stated that the respondents have not violated any order passed by this Court as the earlier writ petition was rendered infructuous.

It is further stated that the Hon’ble Supreme Court in **“Sudhir Vasudeva vs M. George Ravishekaran”, 2014(3) SCC 373,**

has held that the Court exercising the jurisdiction under the Contempt of Courts Act, 1971, should not travel beyond four corners of the order in relation to which the contempt petition is filed.

Counsel for the respondents has submitted that no direction was passed while passing the order dated 19.06.2023, that the petitioner should continue to perform his duties beyond the contract period and therefore, no contempt is made out.

After hearing the counsel for the parties and looking into the facts and circumstances of the case, it is apparent that the order dated 19.06.2023, the Writ Court has held that since the impugned order dated 09.06.2023 assailed in the said writ petition was withdrawn by the respondent and therefore, the writ petition was dismissed as infructuous and no further direction was issued that the petitioner be taken back in service despite expiry of his period of extension, which expired on 31.05.2023, which was admittedly prior to the date of passing of the order dated 19.06.2023. Therefore, in the absence of any specific direction, no violation is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

13.10.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No