

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

COCP No.3314 of 2019 (O&M)

Date of decision: 30.01.2023

Ranbir Singh

....Petitioner

Versus

S.N. Roy, IAS and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manjeet Singh, Advocate
for the petitioner.

Mr. P.K. Longia, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Counsel for the petitioner has argued that vide order dated 14.11.2014 passed in CWP No.25512 of 2012, the following observations were made:-

“The contention of some of the counsels for the private respondents that promotions already granted to some of them should not be disturbed as they may be entitled to accelerated promotion after new policy is framed by the Government is also totally misconceived, as any promotion granted in terms of the 2006 and 2013 policies, which have been quashed, certainly deserves to be recalled. Acceptance of this argument would mean putting cart before the horse. As and when any policy is framed by the Government, whosoever will be entitled to any benefit thereunder, may claim and get the same. The benefit cannot be granted in anticipation as the provisions of Article 1 (4A) of the Constitution of India are merely enabling and not mandatory.

For the reasons mentioned above, the writ petitions are allowed. The 2013 policy, issued on 28.2.2013, providing for reservation in promotion is set aside. The 2006 policy, issued on 16.3.2006, had already been set aside by this court in Prem Kumar Verma's case (supra). Any accelerated promotion/seniority granted on the basis

of the aforesaid policies, is liable to be reversed. Ordered accordingly. Necessary action be taken within a period of 3 months from the date of receipt of a copy of the judgment.

From the facts of the case in hand, it is evident that the 2013 policy was issued by the then Chief Secretary, Haryana, despite being in knowledge of the judgments of Hon'ble the Supreme Court in M. Nagaraj's case (supra) and this court in Prem Kumar Verma's case (supra), I deem it appropriate to initiate proceedings for contempt against him. Let notice be issued to him to show cause as to why proceedings for contempt be not initiated against him. For that purpose, the present petition be listed on 28.1.2015. It shall be the duty of the learned counsel for the State to apprise the then Chief Secretary about the order passed by this court."

Counsel for the petitioner has further submitted that vide subsequent order dated 28.01.2015, the apology tendered by the then Chief Secretary was accepted and the contempt proceedings were dropped.

Counsel for the petitioner has also contended that on account of this order, the petitioner, who was not a writ petitioner or a respondent in the said writ petition, his seniority has been affected.

Be whatsoever, the office order (Annexure P-3) can be challenged by the petitioner in proper proceedings.

In view of the above, the present petition is not maintainable as there is no willful disobedience and the petition is dismissed accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

30.01.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No