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2024:PHHC:005318

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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COCP- 1062-2005 (O&M)
Date of Decision: 16.01.2024

Anirudh Dhanda

.....*Petitioner*

versus

Hemant Contractor and another

.... *Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. B S Rana, Senior Advocate with
Ms Sangita Dhanda, Advocate
for the petitioner

Mr. Anupam Gupta, Senior Advocate with
Mr. Akshay Jain, Advocate and
Mr. Sukhpal Singh, Advocate
for the respondents

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Rajbir Sehrawat, J. (Oral)

1. The present petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971, for punishing the respondent authorities for willful and intentional disobedience of order dated 12.10.2004, passed by this Court in CWP 17051-2002.

2. Perusal of the records shows that the order, qua which the contempt is alleged by the petitioner, was challenged before the Division Bench in LPA 437-2004. When the matter came up for hearing before the Division Bench, it was intimated to the Bench by the respondents herein; that the case of the petitioner for promotion to the post of MMGS-III had been re-considered and was rejected, vide order dated 18th July, 2005. In the process,

the petitioner was stated to have been granted even some concession. Keeping in view this fact, the Division Bench had dismissed the Letters Patent Appeal as infructuous; vide order dated 04.01.2006. Still further, the Division Bench also ordered that if the petitioner was aggrieved by any portion of order dated 18.07.2005 (Annexure R-3) qua denying him promotion, then he would be at liberty to challenge the aforesaid rider either in the departmental or Court proceedings.

3. In view of the above, this Court does not find it appropriate to continue with the present contempt petition any more. Hence, the same is ordered to be dismissed.

4. However, since the Division Bench had granted liberty to the petitioner to challenge the order dated 18.07.2005 passed by respondents (Annexure R-3) while considering his case for promotion to the post of MMGS III with effect from 1993, and thereafter, the matter remained pending in the instant contempt petition for a long period of 18 years, therefore, the petitioner is granted liberty to still challenge that order dated 18.07.2005 or any consequences thereof.

5. Accordingly, miscellaneous application (s), if any, shall also stand disposed of.

(Rajbir Sehrawat)
Judge

January 16, 2024
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No