

2024:PHHC:021737

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

129 **COCp-527-2024**
Date of decision: 15.02.2024

MANINDEDR SINGH ...Petitioner

Versus

VINAY KUMAR ...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. This is a contempt petition filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, for punishing the respondent for disobeying the order dated 07.11.2023 passed in CWP-24703-2023.
2. Notice of motion.
3. Mr. Pawan Kumar Longia, DAG, Haryana, accepts notice on behalf of the respondent. It is submitted by counsel for the respondent that the respondent-Haryana Staff Selection Commission is only a recommending authority and the respondent had recommended the candidates in the category in which the petitioner had applied for, as well as, in the category of visually impaired, therefore, job of the respondent-Commission was over and nothing more was required to be done by the respondent. As to whether there was any vacancy left, despite the recommendations made by the respondent, or not, is not even reported to the respondent for any further recommendations. Therefore, nothing more is required to be done by the respondent, as such. Hence, no contempt is made out against the respondent.

4. On the other hand, counsel for the petitioner has insisted that the post in the category of visually handicapped, was left unfulfilled in the same selection. The recommended candidates had not even joined on the post. Therefore, the petitioner should have been considered for appointment on the said post.
5. Although the argument of counsel for the petitioner might have some substance, however, the contempt proceedings are not the appropriate proceedings for the said aspect. The department concerned is not a party before this Court. Hence, this Court does not find any reason or ground to proceed further in the contempt petition.
6. In view of the above, the present petition is dismissed, as such.
7. However, the petitioner would be at liberty to raise his claim qua the vacancy left in the said selection on account of non-joining of the visually impaired candidate, by filing the writ petition impleading the appropriate parties.

15.02.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No