

2024:PHHC:119340



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

COCP-2389-2020**Decided on:-11.09.2024**

Smt. Usha Sabarwal

....Petitioner..

vs.

Sh. Suresh Kumar Garg, Manager, Sewa Samiti Girls
Senior Secondary School and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

Mr. Ashok Gupta, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Sections 10 & 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, prayer has been made for initiation of contempt proceedings against the respondents on account of alleged willful non-compliance of order dated 20.02.2017 passed by this Court in CWP-19437-2010 as well as order dated 16.09.2019 passed in LPA-551-2017 and LPA-1987-2017. The relevant part of order dated 20.02.2017, is extracted hereunder:-

“This judgment is sought to be distinguished on the ground that in the reply to this application it has been mentioned that there are no sanctioned posts of Craft Teacher (Tailoring & Cutting) in any school in Haryana. However, in document (Annexure P-6), the respondent-State had admitted that till the time it was not declared surplus, the post of Craft Teacher (Tailoring & Cutting) on

which the petitioner had been working was a sanctioned post.

Learned State counsel has also raised an argument that under the subsequent 2008 Rules, the cadre of Craft Teacher (Tailoring & Cutting) had been declared as a dying cadre and no fresh appointment is being made in that cadre.

In my opinion, the adjustment of the petitioner in terms of Sub Rule 3 of Rule 59 of the Higher Education Rules 2003 would not amount to reviving the cadre.

Consequently, the present petition is disposed of in the same terms as passed in that judgment (Annexure A-1).”

2. An intra-court appeal bearing LPA-1987-2017, was preferred at the instance of respondent-Management, which was later on withdrawn vide order dated 16.09.2019. Thereafter, the petitioner was made to join as Craft Teacher (Tailoring and Cutting). On account of non-payment of arrears of salary from 26.02.2010 till January 2017 along with interest, the petitioner preferred COCP No.4151-2019, which was disposed of vide order dated 18.02.2020 with an observation that due compliance of the orders passed in the Writ Petition was made by the respondents.

3. Again, by way of present petition, the petitioner has set-up a claim against the respondents towards the willful disobedience of the same order dated 20.02.2017 passed in CWP-19437-2010 while claiming arrears from February 2010 to January 2017, which were not released by the respondents in favour of the petitioner.

4. In response, a detailed reply has been preferred along with an affidavit/undertaking furnished by the petitioner (Annexure R-IV) wherein she had foregone her claim regarding any previous liability on the occasion while she was being considered against her appointment in the Government service.

5. In view of the aforesaid undertaking besides the previous COCP-4151-2019 having been disposed of vide order dated 18.02.2020 and the same

been not assailed at the instance of petitioner any further, no cause is made out to interfere in the present petition, the same is thus, dismissed.

11.09.2024

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(HARKESH MANUJA)
JUDGE

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