

2024:PHHC:122845



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

COCP-1209-2022 (O&M)
Decided on:-16.09.2024

Sanjeet Kumar

....Petitioner..

VS.

Sh. Mohammed Shayin, IAS, MD, HPGCL
and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Anil Chawla, Advocate for the respondents.

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 29.04.2022 passed by this Court in CWP-8986-2022, which is extracted hereunder:-

“Learned counsel for the petitioner contends that the petitioner had been appointed as Lower Divisional Clerk in terms of the Government Policy (Annexure P-1) for rehabilitation and resettlement of land owners, whose land had been acquired. The basic qualification for the post of LDC is matriculation with first division or 10+2 with second division or graduation. The petitioner has passed 10+2 in second division from the Board of School Education, Haryana. A copy of the certificate is at Annexure P-4. The services of the petitioner are being dispensed with on the ground that the graduation degree which had been obtained from EIILM Sikkim University,

has not been approved by the UGC. He, however, contends that the petitioner did not derive any benefit from the graduation degree as he was eligible for the post of LDC as 10+2 had been passed in second division.

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondents and prays for time to seek instructions.

List along with CWP No.6026 of 2022 on 12.07.2022.

The operation of the impugned order dated 11.03.2022 (Annexure P-10) shall remain stayed till the next date of hearing.”

2. Learned counsel for the respondents submits that the petitioner was taken back in service in January 2024 and as regards his payment of salary w.e.f. 11.03.2022 to 19.01.2024, the decision has been taken to release the same, subject to final outcome of main writ petition. He, on instructions, submits that the actual payment shall be released in his favour within a period of two weeks from today.

3. In view thereof, no further orders are required to be passed in the present petition, as such, the same is disposed of.

4. Rule stands discharged.

However, in case the needful is not done within the aforementioned period, as per the undertaking, the petitioner would be at liberty to seek revival of contempt petition and in that eventuality, the erring/concerned officer would be liable to pay additional sum of Rs.50,000/- as costs from his/her own pocket in favour of the petitioner towards litigation expenses, immediately, i.e. on the first date of listing of revival application.

16.09.2024
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(HARKESH MANUJA)
JUDGE

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