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

COCp-304-2023 (O&M)

Date of decision : 09.12.2025

Shamsher Singh Khatri

...Petitioner

Versus

Dr. Mahabir Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajesh K. Kataria, Advocate for the petitioner.

Mr. Sharad Aggarwal, Addl..A.G., Haryana,
and Mr. Harshit Singla, AAG, Haryana,
for the respondents.

HARPREET KAUR JEEWAN, J. (Oral)

CM-19656-CII-2024

Prayer in the application is for placing on record Tentative Seniority Lists dated 22.02.2023 and 18.09.2024 as Annexures P-4 & P-5, respectively.

In view of the averments made in the application, same is allowed as prayed for, subject to just exceptions.

Main case

1. The petitioner has filed the present petition for initiation of proceedings under Section 12 of the Contempt of Courts Act, 1971 for alleged willful disobedience of the order dated 23.09.2022 (Annexure P-1) passed by the Writ Court in CWP-621-2021, whereby, the following directions were issued:-

“ *Learned State counsel submits that claim of the petitioner under the instructions dated 25.03.2022 will be considered for promotion, which has been further amended in July 2022 for promotion to the next higher rank by giving reservation and the*



claim of the petitioner will be considered within a period of two months from the date of receipt of copy of this order and in case, the petitioner is found entitled for, the appropriate benefit will be given to the petitioner within a period of one month thereafter.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, no further grievance of the petitioner survives in the present petition and the same may kindly be disposed of having been not pressed any other.

Ordered accordingly.”

2. Compliance report by way of affidavit of Jitender Singh, Director, Secondary Education, Haryana, Panchkula on behalf of respondent No.2 is taken on record. Registry to tag the same at appropriate place.

3. Mr. Sharad Aggarwal, Addl.A.G., Haryana, representing the respondents contends that the aforesaid order stands complied with as the case of the petitioner was examined and he was found eligible for promotion to the post of Block Education Officer w.e.f. 26.07.2020 and he has been given actual promotion w.e.f. 14.02.2023/15.02.2023, but notional promotion was given from back date, i.e. 26.08.2020/27.08.2020. Following is the reference to the contents of the aforesaid affidavit:-

“3. That in compliance of the order dated 23.09.2022 of the Hon’ble High Court, the case of the petitioner has been examined by the department and found eligible for promotion to the post of Block Education Officer w.e.f. 26.07.2020. Therefore he has been promoted as Block Education Officer actual from 14.02.2023/15.02.2023 vide order no. 4/15-2022 HRG-1(5) dated 15.02.2023 and notionally w.e.f. 26.08.2020/27.08.2020 vide order no.6/2-2021 HRG-1(2) dated 26.09.2024 under 4% in RPwD (Reservation for Persons with Disabilities) Quota provisionally subject to the condition that his deemed date can be changed/amended/altered, if required on the basis of any legitimate claim of some other or any of the officers. Further, the deemed date of orders of other entitled officers is under consideration of the department.”

4. Learned counsel for the petitioner submits that the petitioner is still aggrieved since the deemed date of promotion to the post of Principal for the petitioner is 30.06.2005, however, some of the employees who were promoted to the post of Principal subsequently on 19.01.2006 have retired from Class I post, whereas, after so much litigation, the petitioner has been given promotion to the post of BEO w.e.f. 26.08.2020/27.08.2020, as such, there is non-compliance of the order dated 23.09.2022.

5. I have considered the aforesaid submissions.

6. As per the directions of this Court vide order dated 23.09.2022, the case of the petitioner has been considered by the respondents and he has been given deemed promotion to the post of BEO w.e.f. 26.08.2020/27.08.2020. The petitioner is raising a grievance with regard to his retirement on the said post viz-a-viz the retirement of the co-employees who were given promotion to the post of Class I before their retirement. Such controversy is beyond the scope of the present petition, which has been filed alleging non-compliance of the order of this Court. The petitioner has an alternate remedy for raising the aforesaid contentions, i.e. the alleged inequality with his co-employees, as per law.

7. Consequently, the present petition is disposed of with the liberty aforesaid.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.12.2025

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[HARPREET KAUR JEEWAN]

JUDGE