

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

2025:PHHC:133541-DB



(109+257)

**CACP-88-2025(O&M)
Date of Decision: 24.09.2025**

Mani Kant Paswan & another

--Appellants

Versus

Sardool Singh Ghuman

--Respondent

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA.
HON'BLE MR. JUSTICE ROHIT KAPOOR.**

Present:- Mr. Vivek Singla, Advocate for the appellants.

Respondent Mr. Sardool Singh Ghuman in person.

ASHWANI KUMAR MISHRA.J (Oral)

CM-19539-CII-2025

Application is allowed as prayed for.

CM-19540-CII-2025

Permission sought for converting the Contempt Appeal into a
Letters Patent Appeal, is allowed.

Let amended cause title be furnished in the Registry, within two
weeks.

Registry is directed to do the needful accordingly.

Application is disposed of.

Main Appeal

1. This appeal seeks to challenge the order passed by learned Single Judge on 07.05.2025 in RA-CR-45-2023 in COCP-3119-2019, whereby proceedings of contempt have been initiated against the appellant. A direction has been issued for the appellant to appear in person in contempt for proceeding further.

2. The contempt proceedings arose out of direction issued by the Writ Court in CWP-18722-2013, operative portion whereof reads as under:-

“6. In this view of the matter, let petitioner no.1 apply afresh for seeking promotion to the post of Professor on or before 15.04.2019, and thereafter, the respondents shall process his application as per the CAS and UGC guidelines.”

3. It transpires that in terms of the observations made by the Writ Court, the claim of respondent for promotion was considered by the Committee and it was found that requisite documents in support of his claim had not been placed before the authorities. This order was placed on record before the Contempt Court, where after the contempt petition was dismissed vide following order passed on 24.02.2023:-

“The petitioner alleges violation of the order dated 26.03.2019 passed in CWP-18722-2013.

Learned counsel for the petitioner submits that while disposing of the writ petition, an undertaking was given by learned counsel for the respondents that in case the petitioner (petitioner No.1 therein) applies for promotion to the post of Professor, he can be considered at par to other petitioners therein and if found fit, he will be granted seniority with all consequential benefits.

Reply by way of affidavit of Registrar, Sant Longowal Institute of Engineering and Technology, Longowal, Sangrur is on record and in its para No.6, it is stated as under:

“That the committee constituted to scrutinize the application of the petitioner, opined vide its minutes dated 11.07.2019 that the date of eligibility of the petitioner has been worked out to 05.11.2013 as per UGC norms whereas the petitioner has given his date of eligibility as 01.01.2009 and as there is no data available with the application from 2009 to 2013, therefore, the application of the petitioner cannot be

screened. It has been further observed in the minutes of meeting that the petitioner has written that fresh academic and research information updated till his date of application was appended. However, the committee did not find any academic or research information beyond the year 2009. The minutes of meeting recorded on 11.07.2019 are reproduced herein below:

“The committee has gone through the contents and the rules and regulations contained in the IOL No.SLIET/Admn./1622 dated 24.06.2019 received from Registrar. As per that, the date of eligibility of Dr. S.S. Ghumman for promotion as Professor under CAS has been worked out to be 05.11.2013. However, Dr. Ghumman in his application dated 15.04.2019 has submitted information as on the then last date of application ascertaining his date of eligibility as on 01.01.2009. Hence, it is not possible to screen the application of Dr. Ghumman due to non-availability of data from 02.01.2009 to 05.11.2013.

It may be noted that Dr. Ghumman has written in his application that fresh academic and research information updated till his date of application was also appended with the application for information, but the committee did not find any academic/research information beyond the year 2009.”

In pursuant to this, the petitioner was issued a letter dated 06.08.2019 (Annexure P-3). It is the case of the petitioner himself that he has not responded to letter dated 06.08.2019. It is humbly submitted that the candidature of a candidate can only be considered on the basis of the application/credentials made available by the said candidate. In the absence of the application/credentials such as research/academic activities etc., neither the institute nor the committee can grant the desired relief of promotion. The petitioner have applied only twice i.e. for the first time in the year 2011 and for the second time, in the year 2019 only (in response to court decision), whereas there were four advertisement issued, in the year 2011, 2014, 2018 and fourth

in 2021.”

In view of the above, no willful disobedience is made out.

Dismissed.”

4. It is, thereafter that the respondent has moved an application for review of the contempt petition on the ground that material facts were suppressed and the order under challenge has been passed by the learned Single Judge requiring the Director to appear personally.

5. The appeal has been preferred stating that the contempt petition stood finally dismissed and if the respondent was aggrieved by the decision of the Management in not considering his claim for promotion to the post of Professor, at best a fresh cause had come into existence in respect of which a contempt petition would not lie. It is, therefore, submitted that before the Contempt Court the appellants had placed on record material to show that the application submitted by the respondent seeking promotion was of the year 2009, whereas the date of eligibility, as per U.G.C norms was 05.11.2013. A direction was issued to submit material in respect of the subsequent period but despite letters issued to the respondent-petitioner, he had not submitted such material on account of which the claim for promotion could not be considered. It is, therefore, submitted that in respect of such subsequent cause which had arisen, the impugned order could not have been passed particularly when the contempt petition stood dismissed.

6. The respondent has appeared in person and has stated that his claim has not been considered as per law.

7. In the facts of the case, it is apparent that the only order passed by the Writ Court was to permit the petitioner-respondent to apply afresh for promotion on or before 15.04.2019 and his application was to be processed

as per C.A.S and U.G.C guidelines. There was no positive direction issued in the writ petition to accord consideration in a particular manner. The claim of the respondent once has been considered and for the reasons enumerated, his claim has been overlooked, no contempt petition could have been filed alleging disobedience of the order dated 26.03.2019. This is particularly so when the contempt petition already stood dismissed on 24.02.2023. Issuance of direction to the appellant to appear in person for proceeding against him in contempt, is therefore, uncalled for.

8. Consequently, this appeal succeeds and is allowed. Order dated 07.05.2025 passed by the learned Single Judge in RA-CR-45-2023 in COCP-3119-2019, is set aside. However, in the facts of the case, we make it clear that the respondent-petitioner shall be at liberty to institute fresh proceedings in respect of his claim for the promotion before the competent forum, if, he is not satisfied with the action of the respondents.

9. The appeal is allowed in the aforesaid terms.

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

(ASHWANI KUMAR MISHRA)
JUDGE

24.09.2025
lucky

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No