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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

-:-

COCF No. 5855 of 2018 (O&M)

Date of decision: 29.08.2019

Mahesh Chand

.. Petitioner

Versus

Shri Pankaj, IAS, Deputy Commissioner/Chairman  
Mewat Model School Society, District Nuh

.. Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**Present:** Mr. Rajesh Arora, Advocate, for the petitioner.

Mr. Jagdeep Singh, Advocate, for the respondent.

**AVNEESH JHINGAN, J. (Oral)**

**C.M No. 15656-CII of 2019**

Allowed as prayed for subject to all just exceptions. Affidavit of respondent is taken on record.

**COCF No. 5855 of 2018**

The present contempt petition has been filed alleging wilful disobedience of the order dated 18.07.2018 passed by this Court in CWP No. 15778 of 2015. The operative part of the order is reproduced below:

*“In these facts and circumstances, this Court applies the principle of non-discrimination to bring relief of regularization with retrospective effect from the date juniors in service have been regularized without Court intervention, by allowing the writ petition. Direction is issued to respondent No.2 to regularize the services of the petitioner in terms of the order dated 07.07.2004 by giving him continuity of service from the date of initial appointment with all consequential benefits including inter se seniority with the juniors who were retained in service but other than those benefits which have already been granted and disbursed. The successive appointment orders for 03 months each on contractual basis are ordered to be invalidated as illegal and arbitrary to the extent indicated for the reasons stated above.”*

Learned counsel for the respondent states that the services of the petitioner has been regularized from 07.07.2004 and his seniority inter se the juniors fixed. He states that consequential benefits would be released within two weeks from today.

Learned counsel for the petitioner is not in a position to dispute the fact that the service of the petitioner has been regularized and seniority fixed. However, he states that no benefits have been received till date. He further seeks liberty to avail remedies in accordance with law, if the some grievance still survives.

The respondent is directed to disburse the dues within three weeks from today. Contempt petition is disposed of with liberty as prayed for. In case of failure to comply with directions issued today, petitioner would be at liberty to revive the contempt petition. It is made clear that in case petitioner is forced to revive the petition, exemplary costs may be imposed, which shall be recoverable from the defaulting officer/official. The respondent shall also communicate the fixation of seniority and a formal order with regard to regularization to the petitioner.

Rule issued against respondent is discharged.

**August 29, 2019**  
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**(AVNEESH JHINGAN)**  
**JUDGE**

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