



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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COCp-3427-2023 (O&M)
Date of Decision: 16.03.2026

GAJENDER SINGH

.....Petitioner

Vs.

VIJAI VARDHAN, IAS AND ANOTHER

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gaurav Mohunta, Sr. Advocate assisted by
Mr. Nishant Arora, Advocate and
Mr. Pratyush Sood, Advocate
for the petitioner.

Mr. Ram Karan Sharma, DAG, Haryana.

SUDEEPTI SHARMA J. (Oral)

1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 18.04.2017 passed by Division Bench of this Court in LPA-2218-2016. The relevant portion of the same is reproduced as under:-

“[6] In the instant case when their first writ petition was pending in this Court, the respondents had joined other education institutes. This fact was specifically averred by the appellants in their written statement but it appears to have not been brought to the notice of the learned Single Judge, hence, all the consequential benefits have been granted to the respondents. When this appeal came up for hearing on November 22, 2016, the appellants were directed to offer appointment to the respondent-writ petitioners on notional basis without any monetary benefits. Pursuant



thereto, the respondents have been offered appointment and they have joined on 09.01.2017.

[7] We have heard learned counsel for the parties. Since action of the Management in terminating the services of respondent-writ petitioners stands annulled by this Court in the first round of litigation decided on 24.04.2015 and the said order has attained finality, there can be no other consequence but to reinstate the respondents in service. The limited question which survives for consideration is whether the respondents be granted consequential benefits or not? Since it has come on record that they were in employment during the period when their services were terminated by the Management, we are satisfied that the respondents are entitled to only notional appointment without any arrears of pay.”

2. Learned counsel for respondents contends that in compliance of order dated 18.04.2017, affidavit of Mr. Rajiv Rattan, Director General Higher Education Department Haryana, Panchkula dated 05.04.2024 and affidavit of Mr. Yashpal Singh, Joint Director O/o Director Higher Education, Haryana, Panchkula dated 20.01.2025 have been filed in the Registry and the same are also taken on record. The relevant paras of the affidavit dated 20.01.2025 is reproduced as under:-

“2. That in this regard, it is submitted that the present Contempt petition was listed for hearing before this Hon'ble Court on 15.01.2025 and it has come in the order of the Hon'ble Court that the officer prays for two day's time for filing an affidavit to bring on record the details of the date of actual appointment of the Assistant Professor(s) named in the order dated 27.04.2018 along with order of termination as well as their reinstatement and also the date on which they were



conferred benefit of senior scale, the operative part of order dated 15.01.2025 is reproduced here as under:-

"Sh. Yashpal Singh, Joint Director, College Department of Higher Education, Haryana submits that the petitioner could not be granted the benefit of senior scale as he never completed three year's rural service in terms of Notification dated 06.09.2013. From his personal knowledge and after referring to the records and information gathered from the office, the officer further submits that till date not even a single employee of the Higher Education Department has ever been granted the benefit of senior scale without completion of three year's rural service in terms of notification dated 06.09.2013, except in the case of specially abled employees. The officer prays for two day's time for filing an affidavit in the aforesaid context and to bring on record the details of date of actual appointment of the Assistant Professor(s) named in the order dated 27.04.2018 along with order of termination as well as their reinstatement and also the date on which they were conferred benefit of senior scale".

3. *That in compliance of above order passed by the Hon'ble Court the deponent is filing the present affidavit and respectfully submitting that the State Government amended the Haryana Education (College Cadre) Group B Service rules, 1986 vide amendment notification dated 06.09.2013 wherein it was specifically mentioned a member of the service appointed on or after the date of publication Haryana Education (College Cadre) Group B Service rules, 1986 No. G.S.R./19/Const./Art 309/2002, dated the 29th October, 2002 shall be liable to serve in the rural area/small town for a minimum period of five years out of which at least*



three years should be prior to placement in senior scale and at least two years prior to award of selection grade. He shall, however, be free to opt to do the service in rural area/small town for a period of five years at a stretch prior to the award of senior scale:

Provided that where the availability of subjects in rural colleges is inadequate to meet the requirement of rural service, the period of rural service shall be calculated under the prevailing departmental policy and the members shall be liable to serve in rural area accordingly. The amendment notification dated 06.09.2013 is attached as **(Annexure A-1)**

4. That further, in continuation of said the amendment wirt. rural service, a clarification dated 23.12.2014 was issued by the department wherein it mentioned that only the period of active service (i.e. without taking into account child care leave, earned leave, extra ordinary leave, study leave and deputation to urban colleges) will not be counted for calculating minimum stipulated rural service **(Annexure A-2)**. Therefore, it is clear from the above rules, instructions and judgement in LPA that the petitioner is not entitled to the senior scale as the petitioner did not fulfil conditions. mentioned in the above notification dated 06.09.2013 and clarification dated 23.12.2014.
5. That further with respect to Assistant Professor(s) named in the order dated 27.04.2018, the details with respect to the date of actual appointment along with order of termination as well as their reinstatement and date of award of senior scale are reproduced here under: -

Sr. No.	Name of the Assistant Prof. & Institution	Date of Appointment	Date of Award termination & re-instatement	Date of award of Senior Scale
1.	Chander Shekher, G.C.W, Ateli	04.02.2009 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 11.12.2016



2.	Lajwanti, G.C, Kosli Rewari	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 11.12.2016
3.	Sunita, G.C.W. Pali, Rewari	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
4.	Sudhir Singh, G.C, Nahar	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
5.	Shamsher Singh, G.C., Nangal Chaudhary, M/Garh	01.07.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 13.08.2017
6.	Rajni, G.C., Kanina, Rewari	01.07.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
7.	Kanta, G.C., Kanwali	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 13.08.2017
8.	Renu Yadav, G.C.W., Ateli	01.07.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
9.	Meena Kumari, G.C., Krishan Nagar	30.06.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 26.06.2017
10.	Rajesh Bansal, G.C., Kanwali	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 15.10.2017
11.	Ashok Kumar, G.C., Satnali	01.07.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 14.11.2017
12.	Sharmila, G.C., Satnali	28.10.2007 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 01.05.2014 i.e. from the date of regular appointment in Govet. College
13.	Satyajeet Singh, G.C., Ateli	22.01.2009 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
14.	Kamla Devi, G.C., Satnali	01.08.2006 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017
15.	Baljeet Singh, G.C.W., Ateli	28.10.2007 (Pvt.) P.K.S.D. College,	Nil	Senior Scale awarded w.e.f.



		Kanina 01.05.2014 (Govt.)		31.12.2017
16.	Bharati Yadav, G.C., Kanwali	17.02.2009 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 07.12.2017
17	Sangeeta Yadav, G.C., Kanwali	17.02.2009 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 13.07.2017
18	Manju Yadav, G.C., Ateli	15.10.2008 (Pvt.) P.K.S.D. College, Kanina 01.05.2014 (Govt.)	Nil	Senior Scale awarded w.e.f. 22.09.2017

6. *That the petitioner in the present matter was an employee of the P.K.S.D College, Kanina (Private) and while being in service in the said college, his services were terminated w.e.f. 30.09.2007 by the management of the college and same was challenged by the petitioner by way of CWP No. 6785 of 2008 and the same was allowed by the Hon'ble High Court vide order dated 24.04.2015 by directing the respondent department to reconsider his case for taking over his services as during this integrum period i.e. 2008 to 2015 however, as per clause 5 of the memo dated 16.08.2014, the claim of the petitioner to reinstate him in taken over P.K.S.D College, Kanina was rejected as the petitioner was not in services at that relevant point of time.*
7. *That the above order dated 20.11.2025 was challenged by the present petitioner in Civil Writ Petition No. 26920 of 2015 titled as Jitender Kumar & another versus State of Haryana and the same was allowed by the Hon'ble Punjab and Haryana High Court vide order dated 12.05.2016. Further, the order dated 12.05.2016 was challenged by the respondent department by way of L.P.A No.2218 of 2016 and the Hon'ble Division Bench and thereafter in compliance of order dated 22.11.2016 passed in L.P.A No. 2218 of 2016, the petitioner was given appointment notionally w.e.f. 01.05.2014 and he joined duties on 25.01.2017, consequently, the above*



contempt petition No. 1600 of 2016 was dismissed having rendered infructuous.

8. *That furthermore, the above mentioned L.P.A No.2218 of 2016 filed by the respondent department was partly allowed by the Hon'ble Division Bench vide order dated 18.04.2017 whereby the Hon'ble Bench modified the order dated 12.05.2016 passed in CWP No.26920 of 2015. The operative part of the same already reproduced in para No. I of the present affidavit. That it is important to mention here that the respondent department has complied with the order dated 18.04.2017 passed by the Hon'ble Division Bench in LPA No. 2218 of 2016 and compliance report dated 02.04.2024 have also been filed in the Hon'ble Court.”*

3. A perusal of affidavit dated 20.01.2025 shows that order dated 18.04.2017 passed in LPA-2218-2016 has been complied with.

4. In view of the same, the contempt is purged and rule is discharged.

5. All the pending miscellaneous applications, if any, are also disposed of.

16.03.2026

P. Seth

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No