

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCN No. 173 of 2014 (O&M)

Date of Decision: 22.08.2014.

Sadhu Ram

--Petitioner

Versus

Arun Kaul & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Suman Jain, Advocate for the petitioner.

Mr. Sanjiv Gupta (KKR), Advocate for respondents.

TEJINDER SINGH DHINDSA.J

The instant contempt petition was filed alleging non-compliance of the directions passed by this Court dated 26.8.2013 while allowing CWP No.6986 of 2010.

Suffice it to notice that the challenge before the Writ Court was to the order of dismissal from service as also the order passed by appellate authority rejecting the appeal.

While partly allowing the petition, this Court had observed that the punishment imposed upon the petitioner was disproportionate to the charges levelled against him and as such the matter had been remanded back to the disciplinary authority to pass a fresh order of punishment.

It has gone uncontroverted that in purported compliance of the order dated 26.8.2013 passed by the Writ Court, the respondents-contemners have passed a fresh order dated 7.7.2014 in terms of which the petitioner has been censured and has also been treated to be compulsorily retired from service. Furthermore, as per such order passed on reconsideration, the penalties have been directed to run concurrently and the

period petitioner remained under suspension as also having remained out of service on account of passing of order of dismissal has not been treated as on duty and as such benefits in relation to such period have been denied.

This Court is of the considered view that there has been a substantial and complete compliance of the order dated 26.8.2013, passed by this Court.

The instant contempt petition is accordingly disposed of. Rule discharged.

It is, however, observed that it would always be open for the petitioner to raise a challenge to the order passed upon reconsideration i.e. Order dated 7.7.2014, if, so advised and on all grounds that may be available to him strictly in accordance with law.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 22, 2014.
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