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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1339-2019

Date of decision: 20.08.2019

Gian Singh

.. Petitioner

Versus

Krishan Kumar

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sher Singh , Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 11.12.2018 passed by this Court in CWP No. 18410 of 2018. The operational part of the order is quoted below:

“It is apparent that not only the petitioner has joined at his place of posting Vide P-12 but was subsequently transferred to other school in the same District where the petitioner joined. The prayer for his adjustment in District Patiala is to be considered by the Department keeping in view its own administrative exigencies and claim of the petitioner. As far as the dispute raised in the present petition is concerned it is evident that no further adjudication is required qua the transfer order P-12.

Disposed of as infructuous.

The claim with regard to salary during the intervening period will be allowed by the competent authority in accordance with law.”

Short reply dated 09.08.2019 by way of affidavit of Sh. Krishan Kumar, Secretary to Government of Punjab, Department of School Education filed in Court, the same is taken on record. A copy of reply is handed over to learned counsel for the petitioner.

Learned State counsel submits that the salary for the period, in question, has been paid to the petitioner.

Learned counsel for the petitioner is not in a position to dispute the said statement with regard to receiving of salary.

It has been pleaded in the reply that the petitioner was required to join his posting immediately as per order dated 19.07.2018 till his request for posting in District Patiala was to be considered. But he did not join even after the decision of the writ petition, he was put under suspension and an inquiry is pending against him.

In view of the above, no case is made out for wilful disobedience. It appears that the petitioner wants to serve on his own terms and conditions. No further interference is called for and the contempt petition is dismissed.

20th August, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

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