

COCP No.1651 of 2020

Date of Decision : 27.08.2020

Harjinder Singh ...Petitioner

Versus

A. Venu Prasad and othersRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent: Mr.Jatinderpal Singh Sidhu, Advocate for the petitioner.
Mr. Aditya Sharda, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 12 read with Section 2(b) of the Contempt of Courts Act, 1971 is for taking action and punishing the respondents for willfully and intentionally disobeying the orders dated 09.01.2020 (Annexure P-1), passed in CWP No.20018 of 2016.

3. Learned counsel contends that vide order (Annexure P-1) dated 09.01.2020 passed in CWP No.20018 of 2016 in case titled as 'Harjinder Singh versus State of Punjab and others', the writ petition was disposed of by directing the Deputy Commissioner, Mansa, District Mansa to consider and decide the claim of the petitioner as submitted by him in his representation dated 24.06.2016 within a period of 03 months by passing a speaking order and in case the claim of the petitioner was found to be covered by the policy/guidelines dated 03.03.2014, issued by the Government of Punjab, to issue appointment letter to the petitioner ignoring the last date of receipt of application i.e. 31.03.2013.

4. Learned State Counsel has filed copy of affidavit dated 26.08.2020 of Shri Mohinder Pal, Deputy Commissioner, Mansa/respondent No.3 along with Annexure R-1 dated 24.08.2020, rejecting the claim of the petitioner. Copy of the same is taken on record and copy thereof furnished to learned counsel for the petitioner, who contends that the same has been passed contrary to the policy dated 03.03.2014.

5. Learned State Counsel states that an order has been passed by the competent authority that the petitioner does not fulfill the criteria of exceptional hardship under the letter and spirit of the policy as set-forth by the Government and that in the circumstances, no contempt is made out and the orders of the writ Court dated 09.01.2020 have been complied with.

6. I have considered the submissions of learned counsel for the parties.

7. The direction of the Writ Court to the Deputy Commissioner, Mansa, was to consider and decide the claim of the petitioner, as submitted by him vide his representation dated 24.06.2016 and to issue appointment letter to the petitioner in case the claim was found to be covered by the policy/guidelines dated 03.03.2014. Since it is the categorical stand of the respondents in the order dated 24.08.2020 that the claim of the petitioner does not fall under the criteria of exceptional hardship under the letter and spirit of the policy, as set-forth by the Government, no case is made out for initiating contempt proceedings.

8. Accordingly, finding no merit in the contempt petition, the same is ***dismissed***. Needless to mention, it would be open to the petitioner to avail

his remedy qua order dated 24.08.2020 in accordance with law.

(B.S. Walia)
Judge

August 27, 2020

'Rajneesh-Amit'

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