



COCP No.3713 of 2024 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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COCP No.3713 of 2024 (O&M)

Date of Decision: 23.01.2025

GARGI

.....Petitioner

Vs

ARUN KUMAR GUPTA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vineet Chaudhary, Advocate
for the petitioner.

Mr. Manish Dadwal, Asstt. A.G., Haryana
for respondent No.1.

Mr. Deepak Sabherwal, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, proceedings are sought to be initiated against the respondents on account of alleged willful non-compliance of order dated 23.01.2019 passed by this Court in CWP No.25703 of 2016. The relevant portion thereof is extracted hereunder:-

*“The writ petition is allowed and order dated 28.11.2016 (P-16) is set aside and the petitioners shall continue to work and shall not be relieved by another set of contractual employees, in view of judgment of Hon'ble the Supreme Court in a case of **Hargurpratap Singh vs. State of Punjab and others, 2007 (13) SCC 292**, subject to the condition that the work and conduct is satisfactory. However, it is made clear that the petitioner can be replaced on joining of regularly selected candidate.”*

2. Learned counsel for the petitioner submits that the petitioner was though made to join in pursuance of the order dated 23.01.2019 passed by the Writ



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Court, however, not made to join any work, thus, there was willful non-compliance of the direction issued by this Court.

3. On the other hand, learned counsel representing respondent No.2 submits that the petitioner in terms of order passed by the Writ Court joined on 12.06.2019, however, worked only for 04 days and never returned thereafter. In such circumstances, there was no non-compliance on the part of the respondents.

4. I have heard learned counsel for the parties and gone through the paper book.

5. Perusal of short reply filed on behalf of respondent No.2 shows that though the petitioner joined on 12.06.2019; having attended the office for 04 days, but never came to the office again. The aforesaid averments were nowhere rebutted by the petitioner by way of filing replication.

6. In view of aforesaid position, no finding can be recorded with respect to any willful non-compliance on the part of the respondents towards the order passed by the Writ Court. Consequently, the present petition is dismissed.

7. Rule stands discharged.

January 23, 2025

Atik

Whether speaking/reasoned
Whether reportable

**(HARKESH MANUJA)
JUDGE**

Yes/No
Yes/No