IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand -----------Petitioner

                                      Versus

Vijai Vardhan IAS and others  ----Respondents

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | Particulars | date | Pages |  |
| 1. | Contempt Petition under Section 12 of Contempt of Court Act,1971 | 25.6.2020 | 1-6 |  |
| 2 | Affidavit | 2020 | 6-A |  |
| 3 | Annexure P-1 (Order of High Court) | 17.7.2018 | 7-16 |  |
| 4 | Annexure P-2 (Order of High Court) | 14.5.2019 | 17 |  |
| 5. | Annexure P-3 (Contempt Notice) | 17.5.2019 | 18-19 |  |
| 6. | Annexure P-4 (Its Reply)colly | 18/19.6.2019 | 21-23 |  |
| 7. | Annexure P-5 (Contempt Notice) | 3.3.2020 | 24-26 |  |
| 8 | Annexure P-6 (Its reply ) | 19.6.2020 | 27 |  |
| 9 | Power of Attorney |  | 28 |  |

Similar case if any :-no

CHANDIGARH SURESH AHLAWAT

ADVOCAT DATED:  25.6.2020      COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh (aged 50 years) s/o Sh. Rattan Singh resident of house no . 110-A (HSMB) Sector-14, Panchkula presently posted as Clerk in the office of the Deputy Commissioner, Panchkula.

-------------- Petitioner

**VERSUS**

1. Vijai Vardhan I.A.S. Additional Chief Secretary-cum-Financial Commissioner to Govt. of Haryana, Department of Revenue and Disaster, Haryana Civil Secretariat, Sector -17 Chandigarh.

2. Smt. Deepti Umashankar I.A.S. Commissioner, Ambala Division, Ambala.

3. Mukesh K. Ahuja IAS, Deputy Commissioner, Panchkula.

--------------- Respondents

Chandigarh SURESH AHLAWAT

DATED 25.6.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

**Second Contempt Petition** under Section 12 of the Contempt of Court Act-1971 for initiating contempt proceedings against the respondents for willfully and intentionally disobeying the directions passed by this Hon’ble Court vide order dated 17.7.2018 passed in CWP no. 4833 of 2016 titled as Anand Singh V/S State of Haryana and others , where by his claim for seniority and pay re-fixation has been accepted but more than two years have passed ,but till date they did not do so, which makes them liable for the severe punishment under the Contempt of Courts Act:-

RESPECTFULLY SHOWETH:

* 1. That the petitioner being aggrieved from non-compliance of order dated 17.7.2018 on part of respondents intentionally and deliberately is entitled to invoke inherent jurisdiction of this Hon,ble Court by filing present petition under section 12 of the Contempt of Courts Act,1971.
  2. That the petitioner has filled civil writ petition no. 4833 of 2016 titled Anand Singh and others versus State of Haryana and others before this Hon,ble Court. The petitioner has filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Constitution of India for issuance of writ in the nature of Mandamus to grant the deemed date of appointment to the petitioner as that has been given to other appointed candidates in pursuance of the same selection list dt. 15.10.1989 issued by the Haryana Staff Selection Commission ,same selection process and grant the benefits of notional pay fixation at par with the candidates /employees with all consequential benefits who have joined their service prior to the petitioner i.e. in the year 1990 and being junior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement dated 22.7.1987.

* 1. That the above noted writ petition came up for final hearing on 17.7.2018 and the Hon,ble Justice Ritu Bahari allowed that writ petition and directed that as per necessary formalities as per applicable procedure and rules be completed within four months from the date of receipt of a certified copy of this order. Copy of the order dated 17.7.2018 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**
  2. That certified copy of the order Annexure P-1 was given to the respondents and petitioner also met personally number of times and requested to take immediate compliance of the order dated 17.7.2018
  3. That despite supplying the copy of the order , no decision was taken then the petitioner served pre contempt notice upon the respondents requesting therein that petitioner is entitled to grant the all quansequantial benefits within four months of the order dated 17.7.2018. Therefore immediate compliance be done.
  4. That despite repeated requests and frequent visits, grievance of the petitioner has not yet been redressed. Even petitioner is not listened by the respondents and respondents are not caring about order passed the Hon,ble Court.
  5. That when the respondents did not pay any heed than petitioner constraint to file the contempt petition no.1785 of 2019 before this Hon’ble Court, while deciding the said petition, Hon’ble Court directed to the petitioner to first serve the representation on the respondents by way of contempt notice. A copy of that order dated 14.5.2019 is attached herewith as **Annexure P-2.**
  6. That than petitioner served the contempt notice to the respondents on 17.5.2019 to compliance the order but respondents gave the its replies on 18.6.2019/19.6.2019 of the above said contempt notice that whole matter is under process of the govt. as and when same is finalized , the case of the petitioner will be finalized. A copy of contempt notice and its replies are attached herewith as **Annexure P-3 and P-4 (colly)**respectively.
  7. That when the respondents did not pay any heed in spite of its own replies dated 18/19/6.2020 than petitioner again constrained to serve the contempt notice on 3.3.2020 to implement the order dated 17.7.2018 but after waiting more than three months, than respondent no.1 sent its reply to the counsel for the petitioner on 19.6.2020 mentioned therein that in case of the petitioner, his seniority has been re-fixed and arrear has been deposited in your account but there is no seniority number has been mentioned ,no promotion order according the re-fixed seniority list has been issued and no order of notional pay fixation has been issued only amount of Rs. 31 ,000/- has been deposited in his account . Copy of contempt notice and its reply are attached herewith as **Annexure P-5 and P-6** respectively.
  8. That now **TWO YEARS have been expired** from the date of passing of order dated 17.7.2018 by this Hon,ble High Court ,this matter is hanging fire since july-2018 but the respondents did not pay any heed and are not implementing the order passed by this Hon.ble Court on 17.7.2018 . The act and conduct of the respondents shows clear cut willful and deliberate disobedience of the order dated 17.7.2018 passed by this Hon,ble High Court.
  9. That the respondents have deliberately and intentionally disobeyed the order of the Hon’ble Court as they have no respect for law and order . In order to fulfill their own oblique motive ,the respondents have committed the offence of Contempt of Court Order.
  10. That the respondents have, thus, made themselves liable to be prosecuted under the contemptuous proceedings for disobedience of the High Court which makes them liable for severe punishment under the Contempt of Courts Act.

13.That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court except COCP no.. 1785 of 2019.

It is, therefore, respectfully prayed that present contempt petition may kindly be allowed, contempt proceeding against the respondents for non-compliance and non-implementing the order dated 17.7.2018 passed in CWP no. 4833 of 2016 by this Hon,ble Court willfully and deliberately may kindly be initiated under the provision of the Contempt of Courts Act, 1971, in the interest of justice.

Any other relief to which this Hon’ble Court deems fit and proper in the peculiar facts and circumstances of the present case may also be granted in favour of the petitioners.

It is further prayed that the petitioners may kindly be exempted from certified/true typed copy of annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 25.6.2020 ADVOCATE

COUNSEL FOR THE PETITIONER