

(2021) 01 SHI CK 0226

In the High Court Of Himachal Pradesh

Case No : CMP-T No.1943 Of 2020 In COPCT No.1126 Of 2020

Davinder Chauhan

APPELLANT

Vs

J.C.Sharma, Principal Secretary (PWD) & Ors

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 SHI CK 0226

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Sunil Mohan Sudhir Bhatnagar

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of present Contempt Petition, prayer has been made on behalf of the petitioner for initiation of contempt proceedings against the

respondents for having intentionally and deliberately disobeyed the order dated 18.12.2017, passed by the erstwhile H.P. State Administrative Tribunal,

Shimla in T.A. No.2708 of 2015, titled as Davinder Chauhan versus State of Himachal Pradesh and others, which has been further upheld by this

Court vide judgment dated 29.5.2019 passed in CWP No.901 of 2019. Vide aforesaid order, learned tribunal below while quashing corrigendum dated

1.2.2012, directed the respondents to regularize the services of the petitioner as complaint Attendant/ Receptionist with effect from 01.01.2002 with all

consequential benefits within three months.

2. Though, respondents being aggrieved with the aforesaid order passed by tribunal, filed CWP No.901/2019 before this Court, but same was also

dismissed vide judgment dated 29.5.2019, as a consequence of which, order

alleged to have been violated passed by the tribunal below came to be upheld. Since, no steps whatsoever ever came to be taken at the behest of the respondents for implementation of order dated 18.12.2017 passed by learned Tribunal below and further upheld by this Court vide judgment dated 29.5.2019 passed in CWP No. 901 of 2019, petitioner was compelled to approach this Court in the instant proceedings.

3. Respondents after issuance of court notices filed compliance affidavit enclosing therewith copy of office order dated 22.12.2020, whereby competent authority in compliance of order alleged to have been violated, regularized the services of the petitioner as Receptionist (Class-III) upon completion of eight years continuous service on notional basis subject to outcome of SLP intended to be filed by the respondents. However, subsequently, respondents realizing their mistake issued corrigendum dated 1.1.2021, whereby order dated 22.12.2020 was modified to the extent that petitioner would be entitled to all consequential benefits upon regularization as ordered by learned Tribunal as well as this Court vide judgment dated 18.12.2017, subject to outcome of SLP.

4. Having perused the corrigendum dated 1.1.2021, which is taken on record, this Court finds that order alleged to have been violated stands duly complied with and as such, nothing remains to be adjudicated in the present proceedings and accordingly same are closed. Notices issued to the respondents are hereby discharged. This Court hopes and trust that all consequential benefits in terms of aforesaid order passed by the Tribunal below would be released expeditiously, preferably within a period of three weeks. The present petition stands disposed of in the foresaid terms.