

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: September 20, 2016

CACP No.10 of 2016 (O&M)

Vijai Vardhan

..... Appellant

Versus

Sunil Kumar and others

..... Respondents

AND

CACP No.12 of 2016 (O&M)

Bhupinder Singh

..... Appellant

Versus

Sunil Kumar and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present:- Mr. Akshay Bhan, Sr. Advocate with
Mr. Ashwani Talwar, Advocate and
Mr. Varun Sharma, Advocate
for the appellant (in CACP No.10 of 2016).

Mr. B.S. Rana, Sr. Advocate with
Mr. Ravinder Malik, Advocate
for the appellant (in CACP No.12 of 2016).

Mr. Jagbir Malik, Advocate
for respondent No.1.

Mr. H.N. Methani, Advocate
for Haryana Public Service Commission.

M. JEYAPPAUL, J. (ORAL)

Appellants aggrieved by the orders passed by the learned
Single Judge in the contempt petition on 30.03.2016 holding the appellants
guilty of Contempt of Court, have preferred the individual appeals.

We heard the submission made by the learned senior counsel appearing for the appellants and learned counsel appearing for respondent No.1.

We also carefully perused the order under challenge passed by the learned Single Judge holding the appellants guilty of Contempt of Court.

It was demonstrated before us, referring to various communications and notings emanated from the appellants and the orders passed by the State of Haryana, that the orders passed by this Court had been duly communicated to the State Government and the State Government represented by the Chief Secretary had in fact communicated to the appellant in CACP No.10 of 2016 on 27.01.2015 that the Government had decided to withdraw all the requisitions including 1396 posts (Assistant Professor, College Cadre in various subjects) of Group-A and Group-B made to Haryana Public Service Commission by the respective Administrative Secretaries in the State of Haryana with immediate effect.

Based on the above communications and the notings placed before us, it is effectively submitted by the learned senior counsel appearing for the appellant in CACP No.10 of 2016 that the appellant was completely restrained from giving effect to the orders passed by this Court on account of the above directions emanated from the Chief Secretary to Government of Haryana.

We are of the considered view that the conduct of the Chief Secretary to the Government of Haryana also will have to be gone into by the Contempt Court along with the role allegedly played by the appellant.

In other words, an appropriate compendious order in the contempt proceedings adverting to the respective role of all the stake-holders will have to be passed by the Contempt Court.

The Court which dealt with the contempt also has in fact made an observation that the contention of the Chief Secretary to Government of Haryana shall be considered on the next date of hearing. In the fitness of things, the contempt proceedings should have proceeded against the Chief Secretary to Government of Haryana along with other contemnors, more especially when his role is found to be intertwined and interlaced with the role played by the appellant in CACP No.10 of 2016.

Further, learned counsel appearing for the appellant in CACP No.12 of 2016 brought to our notice that the appellant in the said appeal served in the HPSC as Secretary only from 01.12.2014 to 06.05.2015. It is demonstrated that the notice issued by the contempt Court was served upon the successor in office on 08.06.2015. In other words, it is found that no personal service of the contempt notice was effected upon the appellant in CACP No.12 of 2016 and as a result of which, he had no opportunity to contest the contempt petition laid against him by filing his objections.

Counsel for the respondent No.1 has also intended to array Chief Secretary, Government of Haryana and others as parties to the contempt proceedings. Let him do so. Thereupon, notice be issued to the Chief Secretary, Government of Haryana and others concerned in the contempt proceedings. After affording sufficient opportunity to all the parties concerned, let the Court dealing with contempt, pass a composite order in the Contempt Petition.

In view of the above facts and circumstances, we are pleased to

set aside the impugned order passed by the learned Single Judge on 30.03.2016 and the Contempt Appeals are disposed of accordingly.

Photocopy of this order be placed on the file of other connected case.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

September 20, 2016
Dinesh Bansal

Whether speaking/reasoned Yes

Whether Reportable No



सत्यमेव जयते

