

**31.3.2016**

**Present:** Mr. Parneet Gupta, Advocate, for the petitioners.

Mr. V.K. Verma, Ms. Meenakshi Sharma, Additional Advocate Generals with Ms. Parul Negi, Deputy Advocate General, for respondents No. 1 and 2.

Mr. Rajesh Kumar, Advocate, for respondents No. 3 and 4.

Mr. Ajay Sharma, Advocate, for respondent No. 5.

The main writ petition bearing CWP No. 568 of 2009 was disposed of by this Court on 26<sup>th</sup> June, 2014 by passing the following order:-

*“As per the instructions imparted by Er. Desh Raj Dhiman, Member Secretary-cum-Principal, I.T.I., Nadaun (at Rail), District Hamirpur, to learned Additional Advocate General, it is stated that the respondent No. 5 is not in job. Consequently, the petition has been rendered infructuous due to afflux of time. In case the process for selection is carried out, the same shall be conducted strictly in accordance with law. The petition is disposed of.*

*Original record produced and returned.”*

2. Later on the petitioner filed the instant application for recalling the order passed by this Court on 26<sup>th</sup> June, 2014 and hearing the case on merits as the case had been disposed of the basis of a false statement.

3. Notice to this application was issued to all the parties and this Court vide its order dated 3<sup>rd</sup> December, 2015 was of prima facie view that a false statement had been made by respondent No. 3 and accordingly, he was asked to show

cause why proceedings under the Contempt of Courts Act be not initiated against him.

4. Respondent No. 3 has filed a detailed affidavit, wherein it has clarified that the services of respondent No. 5 in so far it pertained to the ITI Nadaun, of which he was incharge, stood terminated vide office order dated 26<sup>th</sup> July, 2013 (R-1). Respondent No. 5 thereafter was never reengaged or employed by respondent No. 3 and any other employment given by any authority or officer of the State Government could not be a ground to contradict the orders so passed by respondent No. 3.

5. I have gone through the contents of the office order dated 26<sup>th</sup> July, 2013 and it is evident there from that the services of respondent No. 5 in fact stood terminated on 26<sup>th</sup> July, 2013. No doubt, respondent No. 5 was re-engaged on 12<sup>th</sup> August, 2013, but the same was pursuant to the orders of Director Technical Education, Vocational and Industrial Training, Sundernagar and not at the instance of respondent No. 3.

6. Having said so, no case for initiating proceedings under the Contempt of Courts Act can be said to have been made out. Consequently, the notice issued by this Court on 3<sup>rd</sup> December, 2015 is ordered to be dropped.

Since respondent No. 5 is no longer in the employment of respondent No. 3, there is no merit in this application, consequently the same is dismissed.

***(Tarlok Singh Chauhan),  
Judge.***

***31<sup>st</sup> March, 2016***  
***(KRS)***