

COCP No.1740 of 2014

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

**COCP No.1740 of 2014
Date of decision:15.05.2015**

Laksman Singh

...Petitioner

Versus

Shri Vineet Garg, IAS and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Sanamjit Kaur, Advocate, for
Mr. Ashwani Talwar, Advocate, for the petitioner.

Mr. D.K.Mittal, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

This petition is filed under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as “Act”) against the respondents for the alleged willful disobedience of order dated 13.11.2013 in which a direction was issued to the respondents to consider and decide the case of the petitioner in the light of the judgment rendered by this Court in Samay Singh's case within a period of 2 months from the date of receipt of a certified copy of the order.

It is averred that certified copy of the order dated 13.11.2013 was supplied to the respondents, which was received by Ms. Sudha, Clerk, office of DGST, Chandigarh on 02.12.2013 vide diary No.2952. The petitioner also served a legal notice on 09.02.2014 upon the respondents,

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which was received by Ms. Shila Jekab, office of GM, HR, Chandigarh on 12.02.2014 and Ms. Sudha, Clerk, office of DGST on 13.02.2014 vide diary No.318. Since the respondents did not abide by the order dated 13.11.2013 despite repeated efforts made by the petitioner, the present petition has been filed to initiate contempt proceedings against them.

After notice, the respondents had appeared and sought time to file reply.

It was submitted by the petitioner on 30.04.2015 that after the notice was issued on 10.07.2014 for 03.02.2015, the respondents have passed the order on 23.02.2015, declining the prayer of the petitioner. It was submitted that though he would challenge the order dated 23.02.2015, in accordance with law, but the respondents have not given any explanation for not considering and deciding his representation/legal notice within the period of two months, which may be counted from 02.12.2013 when certified copy of the order dated 13.11.2013 was supplied to them.

Faced with this submission made by the counsel for the petitioner, counsel for the respondents prayed for time to file an affidavit as to why the order passed by this Court on 13.11.2013 was not obeyed within the prescribed time.

Today, a short reply by way of an affidavit of Shri Vineet Garg, Director General, State Transport, Haryana, Chandigarh is filed, which is taken on record. Shri Vineet Garg is also present in the Court though there is no such order by this Court requiring his presence. However, in any case, I have also heard him.

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It is averred in his affidavit that the order dated 13.11.2013 was received in the office of the deponent on 15.01.2014 and it was marked to the concerned branch for processing. The case was not put up before the deponent till he was there as Director General, State Transport, Haryana, upto 21.08.2014. The deponent received the file on 13.05.2015 and after inquiry from the department, it was revealed that the departmental action is to be taken against the erring official for not dealing with the case within the stipulated period. It is, thus, submitted that there was no intentional or deliberate attempt to defy the order passed by this Court which could not be complied with in time due to negligence of the subordinate staff.

It is not the solitary case in which the time prescribed by this Court has not been adhered to, rather a large number of similar petitions are being filed everyday in which the only complaint made by the petitioner(s) against the State functionaries is for not complying with the innocuous orders passed by this Court for deciding their representation or legal notice, one way or the other, within the prescribed period. As a result thereof, the litigants have to resort to the multiple litigation; firstly by filing the writ petition for adjudication of their representation/legal notice within the stipulated period; secondly the contempt petition, when the representation/legal notice is not decided within the time prescribed by this Court and finally when the said representation/legal notice is decided, because of the contempt proceedings, against the petitioner, by way of a separate writ petition to challenge the same. The corridors of this Court are full upto its brim with such type of litigants whose only concern is to get an

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order from the Government on their representation or legal notice.

Whether these poor litigants can be saved from the rigamarole of these multi-laired litigation? The answer is not far fetched as it only depends upon the sensitivity on the part of the respondent-State who could contribute easily in reducing not only the extra financial burden on the poor litigants by deciding the representation/legal notice within the prescribed period but also the burden of this Court, saving its precious time which can be consumed for deciding other matters which require immediate attention.

In case the respondent-State functionaries are not in a position to abide by the directions issued by this Court within the stipulated time, they may file an application before the Court concerned for extension of time so that this kind of unproductive litigation, which only aims at execution of the order passed by the Court by the respondents with the aid of coercive methods, can be avoided. The respondent-State may develop mechanism for expeditious decision of the representation(s)/legal notice(s) by taking stern action against its erring officials who deliberately refuse to move the file to the concerned quarters, for taking their orders, for the reasons best known to them.

Reverting back to the facts of the present case, the representation of the petitioner was to be decided within two months from the date of receipt of certified copy of the order, which was admittedly received by the answering respondent on 15.01.2014. Accordingly, the respondents should have passed the order, one way or the other, on 15.03.2014, whereas the order was passed on 23.02.2015, after expiry of

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more than one year. The answering respondent himself has admitted that the file was never put up before him till 21.08.2014 when he remained in the office of the Director General, State Transport, Haryana as at present he is posted as Managing Director, Haryana State Industrial and Infrastructure Development Corporation, Panchkula.

Thus, in view of these facts and circumstances, I have been left with no other choice but to impose exemplary cost of ₹50,000/- upon the respondents for non-compliance of the order of this Court within the stipulated time, which shall be paid to the petitioner to compensate the inconvenience and harassment faced by him. The costs shall be paid by way of a bank draft drawn in the name of the petitioner and the said amount shall be recovered from the salary of the erring official(s), who have failed to bring to the notice of the deponent the order dated 13.11.2013, for deciding representation or legal notice of the petitioner within the time prescribed.

Thus, the present petition is disposed of in the aforesaid terms.

The Registry is directed to send copy of this order to the Chief Secretary of the States of Punjab and Haryana and the Adviser to the Administrator, Union Territory, Chandigarh, for information and necessary action.

May 15, 2015
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(Rakesh Kumar Jain)
Judge