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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No.2716 of 2014
Date of decision: 07.07.2015

Telu Ram

...Petitioner

Versus

Nitin Kumar Yadav, IAS

...Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Suneel Ranga, Advocate,
for the petitioner.

Mr. Deepak Manchanda, Additional Advocate General,
Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has invoked Sections 11 and 12 of the Contempt of Courts Act, 1971 (for short 'the Act') for willful and deliberate violation of order dated 09.07.2014 passed by this Court in CWP No.9044 of 2014 titled "*Telu Ram Vs. State of Haryana and others*". The operative para reads as under:

"Without commenting on merits of the case, the writ petition is disposed of with a direction to respondent No.2 to decide the legal notice (Annexure P/6) by passing a speaking order within a period of two months from the date of receipt of certified copy of this order and communicate the same to the counsel for the petitioner as well as petitioner."

The petitioner has submitted that the order passed by this Court was communicated to the respondent on 14.07.2014. It is averred in the reply filed by Chander Shekhar, IAS, Director Development and Panchayats Department Haryana, Chandigarh,

that for the compliance of the order dated 09.07.2014, the then Director Development and Panchayats, vide letter dated 19.12.2014, asked for a detailed report from the Deputy Commissioner, Panipat who got the site inspected from a Committee of Block Development and Panchayat Officer and Tehsildar and on the basis of site inspection report, the Deputy Commissioner forwarded the report to him on 10.03.2015. Thereafter, he examined the legal notice and disposed it of by speaking order dated 20.03.2015.

Learned counsel for the petitioner has submitted that though the speaking order is against him and he would challenge it, in accordance with law but the respondent has still disobeyed the order passed by this Court as the decision has not been taken on his legal notice within the prescribed time and no application was filed by the respondent to this court even for extension of time.

Learned counsel for the respondent has submitted that the delay has been caused because of the movement of the file in the office otherwise the respondent has been found to be in illegal possession.

Be that as it may, the order passed by this Court on 09.07.2014 was very specific that the respondent No.2, would decide the legal notice of the petitioner within 2 months by passing a speaking order and would also communicate the said order to the counsel for the petitioner as well as the petitioner.

From the averments made in para 3 of the affidavit, filed by the respondent, the action was initiated by the then Director Development and Panchayats on 19.12.2014 when he sought a

detailed report from the Deputy Commissioner, Panipat. Meaning thereby the action was initiated after the expiry of time provided by this Court. Thereafter, the Deputy Commissioner also took three months to complete the inquiry, forwarded it to the respondent on 10.03.2015, on which the detailed order is passed on 20.03.2015. Had everything been done within the time prescribed by this Court, then the petitioner could have avoided filing this petition and spending money on the litigation. Thus it is a litigation thrust upon him by the agency of the State, which is obliged to abide by the order passed by this Court within the time prescribed in the order.

Therefore, I am of the considered opinion that the respondent is liable to pay cost/compensation to the petitioner in regard to litigation expenses. Accordingly, the respondent is directed to pay ₹35,000/- towards compensation for the delay caused in taking decision on the legal notice. The State of Haryana is directed to recover the amount of ₹35,000/-, which is to be paid, from the salary of the officer concerned.

Disposed of.

July 07, 2015
vandana

(Rakesh Kumar Jain)
Judge