

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.4046 of 2015

Date of Decision: March 11, 2015

Chandigarh Administration and another
.....Petitioners

versus

Roshan Lal and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE NARESH KUMAR SANGHI.

Present:Mr.Vishal Sodhi, Advocate, for the petitioners.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The order dated 03.02.2015 passed by the Central Administrative Tribunal, Chandigarh Bench in Contempt of Court Proceedings which are still pending before the Tribunal, whereby the officers of the Chandigarh Administration have been directed to comply with an order passed by the Tribunal way back on 11.09.2013, failing which the Competent Authority would remain present in Court on the next date of hearing, is being assailed by way of the instant writ petition.

[2] We have heard learned counsel for the petitioners and are of the considered view that there are more than one reasons not to entertain this petition.

[3] Firstly, the very locus-standi of petitioner No.1 to file this writ petition challenging an interlocutory order passed in contempt jurisdiction is debatable. However, we do not

want to reject the petition on this ground as petitioner No.2 in any case has got the locus.

[4] Secondly, the impugned order has been passed by the Tribunal while exercising its contempt jurisdiction and under the Contempt of Courts Act, 1971. Such an order may not assailable in writ proceedings before this Court (Ref. T.Sudhakar Prasad versus Government of Andhra Pradesh, 2001 (1) SCC 516.

[5] Thirdly, the petitioners' contention that the Tribunal's order dated 11.09.2013 has already been complied with, can be well taken before the Tribunal so as to assert that there is no deliberate or willful disobedience of the Tribunal's order.

[6] Fourthly, if at all the interlocutory order is appealable, the remedy of appeal lies somewhere else.

[7] With liberty to avail such remedy, the instant writ petition is dismissed.

[SURYA KANT]
JUDGE

March 11, 2015
Mohinder

[NARESH KUMAR SANGHI]
JUDGE