

COCP No.1127 of 2013 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No.1127 of 2013 (O&M)

Date of Decision: July 26, 2016

Baljit Singh

...Petitioner

Versus

Sharad Kumar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate and
Mr. Deepak Sonak, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.10256-CII of 2015

Affidavit of the petitioner is taken on record, subject to all just exceptions.

Application stands disposed of.

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Heard the counsel for the parties.

2. Keeping in view the latest affidavit of Jagjit Singh, Inspector General of Prisons, Haryana, dated 05.07.2016, this Court is satisfied that the order dated 30.08.2012 passed by this Court in CWP No.5137 of 2011, titled as 'Sh. Ravinder Yadav & another Vs. The State of Haryana & another', has been duly complied with alongwith the interim orders passed

by this Court in the present contempt petition.

3. Counsel for the petitioner has also conceded that as per the report of Shri D.S. Malik, all the deficiencies as were pointed out, have been taken care of except for non-compliance of the government instructions dated 04.03.2010, according to which, duties are to be assigned. He especially points out that a day's off is not being provided to the petitioner, rather to all the Jail Warders and Head Warders as per these instructions.

4. Counsel for the respondents, on the other hand, has brought to the notice of the Court the subsequent instructions dated 17.07.2013, which deal with a situation which would have an effect on taking precedence over the portion of the instructions dated 04.03.2010, which has been dealt in the subsequent instructions. Counsel for the respondents, on instructions from Shri Jaswinder Singh Gill, ADA, states that these instructions are being followed meticulously and each Jail Warder and Head Warder is being provided the requisite weekly off and other benefits as per the instructions dated 17.07.2013.

5. Having considered the submissions made by the learned counsel for the parties, this Court is satisfied that the order passed by this Court has been fully complied with, however, to take care of the apprehension of the counsel for petitioner that these affidavits as have been filed in Court in this case will not be adhered to and is a temporary measure to come out from the present contempt petition which has been initiated by

the petitioner and the facilities which have been provided would be withdrawn after the disposal of the contempt petition, counsel for the State assures the Court that each word in the affidavits as filed in this contempt petition by the respondents will be honoured and adhered to.

6. In view of the above, there is no reason to doubt the assurance given to the Court by the counsel for the respondents but to ensure that there is no laxity at the ground level/field and to ensure that the facilities as provided for and mentioned in the affidavits which have been filed in Court from time to time to the Jail Warders and Head Warders, shall be adhered to and there is no violation thereof, direction is issued to the Secretary, District Legal Services Authority of the district concerned where the central/district jail is situated to check and monitor the same. If there be any non-compliance or violation, the same be brought to the notice of the Director General of Prisons, Haryana and the District & Sessions Judge, who shall take appropriate steps to ensure compliance. In case remedial action is not taken by the Director General of Prisons, Haryana, the District & Sessions Judge, shall bring to the notice of the High Court for further action.

7. The above observations would not dis-entitle the petitioner to avail of his remedy, if any available, in accordance with law.

8. The contempt petition is disposed of in above terms.

9. Rule issued against the respondents stands discharged.

10. Copy of this order alongwith the affidavits dated 04.10.2013, 28.10.2014 and 14.11.2014 filed by the respondents be circulated to all the

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District & Sessions Judges and the Secretaries of the District Legal Services
Authority in the State of Haryana, for information and compliance.

July 26, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No