

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

COCP No.1715 of 2015
Date of Decision:-11.11.2016

Cantonment Board, Jalandhar Cantt.

..... Petitioner

Vs.

Sh. K. D. Chaudhary and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.M.S. Sachdev, Advocate, for the petitioner.

Mr.Amit Aggarwal, Advocate,
for respondents No.1 and 2.

Mr.Parveen Chander Goyal, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

The present petition is filed for the alleged disobedience of the order dated 19.9.2014 wherein direction was issued to the respondents to take a decision on the legal notice dated 18.11.2013, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

Admittedly, the order was passed on 26.4.2016 but no explanation is given as to why the respondents have taken two years time to decide only a legal notice that too after the contempt petition is filed by the petitioner on 11.5.2015, after awaiting the response of the respondents sufficiently. As a matter of fact it is a general experience of this Court that the respondents/State whether it is the State of Punjab, Haryana, Union Territory or Union of India, the directions issued by this Court to comply with the orders within the specified time are not being honoured. The poor

litigants/citizens have to take recourse to the proceedings under the Contempt of Courts Act, 1971 only for the purpose of compliance of their order. Sometimes even the representations and legal notices are not decided by the concerned departments within prescribed time and even no application is filed for extension of time in case they were unable to decide the same within time prescribed by the Court. In such a situation, whether the petitioner is entitled to be compensated with cost?

The respondents in this case were specifically directed to take a decision on the legal notice within two months. I am surprised as to why the petitioner had to even file writ petition in this Court for the decision on his legal notice. As to whether the respondents were not even obliged to decide the legal notice in time one way or the other?

In this case, per chance the petitioner is the Government Agency i.e. the Cantonment Board, who had to incur unnecessary expenses even at the time of filing the writ petition for the decision of the legal notice and in filing of the contempt petition for compliance of the order of this Court. In such a situation, the respondents are held remiss in discharge of their functions as a State and thus they are saddled with a cost of ₹50,000/- which shall be paid by respondents No.1 and 2 in equal shares, by way of draft to the petitioner. However, since the order passed by this Court is duly complied with, therefore, the present petition is disposed of. It is needless to mention that in case the order passed by the respondents on the legal notice of the petitioner is against it, the petitioner may challenge the same, if so advised, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

11.11.2016

Vivek

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No