

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
206**

COCP No. 812 of 2015 (O&M)

Date of decision: 23.09.2016

Malkit Singh

...PETITIONER

VS.

S.S.Arora and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.S.Boparai, Advocate,
for the petitioner.

Ms. Neha Jain, Advocate,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging non-compliance of the order dated 18.09.2014 (Annexure P-5) whereby the writ petition preferred by the petitioner was disposed of with a direction to the respondents to consider the legal notices and pass a speaking order within a period of two months from the date of receipt of a certified copy of the order before proceeding ahead in the enquiry proceedings. In compliance with the said order, the respondent has passed an order dated 05.12.2014 (Annexure P-8), which is alleged to be contemptuous as the respondent has proceeded with the enquiry.

It is the contention of the learned counsel for the petitioner that while passing the order dated 05.12.2014, all the pleas, which have been taken in the legal notices, have not been considered. His further assertion is

that they have themselves observed in the order that during the pendency of the criminal trial, the disciplinary proceedings were kept in abeyance and, therefore, now proceeding with the same would be violation of their own mandate.

I have considered the submissions made by the learned counsel for the petitioner but do not find any reason to come to a conclusion, as has been asserted by the petitioner, as in the said order, it is apparent that the petitioner, in pursuance to the criminal trial, was acquitted because of want of evidence. Merely because he has been acquitted would not be a ground for not proceeding with the matter any further for the reasons, which have been given in the order, which as has been informed by the counsel for the respondents is a matter of challenge by the petitioner in the writ petition, including subsequent orders passed.

If that be so, the present contempt petition would not survive as the petitioner has availed of his remedy, in accordance with law, against the order passed by the respondents dated 05.12.2014, which is in compliance with the order passed by this Court on 18.09.2014.

The present contempt petition, therefore, stands disposed of.

Rule issued to the respondents stands discharged.

It is made clear that any observations made by this Court will not have any bearing upon the pending writ petition of the petitioner.

September 23, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes
Whether Reportable:	No