

C.O.C.P. No. 24 of 2017 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No. 24 of 2017 (O&M)

DATE OF DECISION:30.05.2017

Darshan Chand

.....Petitioner

Versus

P.K. Dass

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. PS Jammu, Advocate
for the petitioner.

Mr. RD Sharma, DAG, Haryana.

DAYA CHAUDHARY, J.

Sh. P.K. Dass, the then Financial Commissioner, now posted as Additional Home Secretary, Civil Secretariat Haryana, Chandigarh is present in Court today.

Order dated 3.3.2016 passed in C.W.P. No. 4337 of 2016 was to be complied with within a period of two months from the date of receipt of certified copy of the order but his claim has not been considered.

As per case of the petitioner, the copy of order dated 3.3.2016 was handed over to the respondent along with letter of compliance on 5.5.2016. Due to non-compliance of order, the petitioner approached this Court by way of filing the present contempt petition, wherein, notice of motion was issued on 11.1.2017. Thereafter the case was adjourned on two

dates and now it has been brought to the notice of this Court by learned counsel for the respondent that the order passed by this Court has been complied with on 12.4.2017.

In compliance of order dated 19.4.2017, respondent is present in the Court and submits that at the time of passing of the order in the writ petition, he was posted there but subsequently the case was transferred and it was heard by him because of the direction issued by this Court. He further submits that delay has occurred because the file was misplaced.

Learned counsel for the petitioner submits that order passed by the respondent on 12.4.2017 has not been passed correctly as wrong facts have been mentioned. He further contends that lame excuse of misplacement of file has been taken just to avoid the orders passed by this Court.

Admittedly, the order passed by this Court on 3.3.2016 has now been complied with but after a delay of 11 months. The explanation submitted by the respondent qua hearing of the case is accepted. However, the explanation tendered by the respondent appears to be unsatisfactory as eleven months have been taken in reconstruction of the file. Even no responsibility of the official/officer, who was in custody of the file has been fixed.

Accordingly, a cost of ₹20,000/- is imposed for not complying with the order passed by this Court within the stipulated period. Respondent is directed to conduct an inquiry as to on whose part the delay has occurred. The cost amount be recovered from the pocket of the official/officer who was instrumental in causing delay. The cost amount be paid to the petitioner by way of demand draft within a period of one month.

The petitioner is at liberty to avail the appropriate remedy to challenge the order passed by the respondent.

Disposed of accordingly.

May 30, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes