

COCP No.2552 of 2015

Gurpreet Kaur
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high court

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

COCP No.2552 of 2015

Date of Decision: 13.07.2017

Narendar Kaur

....Petitioner

Versus

Sh. Pardeep Agrawal

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sunny Singla, Advocate
for the petitioner

Ms. Akshita Chauhan, A.A.G., Punjab

DAYA CHAUDHARY, J. (ORAL)

The order dated 11.03.2015 passed in ***CWP No.22735 of 2014*** was to be complied with within a period of three months from the date of receipt of certified copy of the order but when no action was taken by the respondent authorities, the petitioner had to file the present contempt petition, wherein, notice of motion was issued on 01.10.2015.

Despite having dates on various occasions, reply has still not been filed. Even on 27.04.2017, the respondent was directed to be present in the Court on the next date of hearing i.e today.

Learned State counsel has filed reply by way of an affidavit of Parshant Kumar Goyal, I.A.S. Director, Education Recruitment Directorate-cum-Director General School Education, Punjab, S.A.S. Nagar, in the Court today and the same is taken on record.

The claim of the petitioner has been rejected vide order dated 22.06.2017, which is annexed as Annexure R-1 with the affidavit.

Admittedly, there is delay in passing the order as it was to be complied with within a period of three months from the date of receipt of certified copy of the order.

Learned State counsel has made all efforts to convince the Court that the copy of the order was not received by the respondent.

If the submission is accepted to be correct, even then the contempt filed by the petitioner was in the knowledge of the respondent. When a direction was issued for presence of the respondent in the Court, hurriedly the order has been passed. Not only the delay has been caused but the petitioner has been harassed as well due to which she had to file the contempt petition. The petitioner will have to challenge the order dated 22.06.2017 as the same is against her grievance.

In view of the above, the present contempt petition is disposed of.

The petitioner is at liberty to challenge order dated 22.06.2017.

However, a cost of ₹ 10,000/- is imposed upon the respondent for not complying with the order within the stipulated time period. The cost of amount be paid to the petitioner by way of demand draft within a period of 15 days from today.

It is also clarified that the amount of cost be recovered from the officer/official, who was an instrument in causing delay.

(DAYA CHAUDHARY)
JUDGE

13.07.2017
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No