

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

Date of decision:01.03.2017

Kissan Rice Mill and another

.....Petitioner

v.

Kumar Rahul,IAS

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.JPS Sidhu,Advocate for the petitioner

Jaswant Singh,J.

Petitioner-rice mills are engaged in the business of custom milling of paddy supplied to them by State Government Agencies from Central Pool. After milling the rice is delivered by petitioners to FCI in new gunny bags. With regard to charge of excess cost of gunny bags by FCI allegedly in violation of guidelines dated 24.5.2013 issued by Union of India, petitioners served a legal notice dated 22.8.2016(P-4) upon various authorities including respondent herein. Since the said legal notice was not decided by the authorities concerned, petitioners filed CWP 22027/2016 before this Court. The said writ petition was disposed of vide order dated 22.10.2016(P-1) with a direction to Senior Regional Manager, FCI to look into the matter, consider the grievance of the petitioners raised in its legal notice dated 22.8.2016(P-4) and decide the same at an early date by passing an appropriate order

thereon strictly in accordance with law, but in any case within a period of four weeks from the date of receipt of a certified copy of the said order.

Instant contempt was filed alleging disobedience of said order dated 22.10.2016(P-1).

Notice of motion is yet to be issued.

In the meanwhile CM 4582-CII/2017 has been filed for impleading Principal Secretary, Department of Food and Civil Supplies, Punjab, Chandigarh and Director, Department of Food and Civil Supplies, Punjab as respondents 2 and 3 in the present contempt petition as they are stated to be competent authorities to decide the claim of the petitioners. It is further stated that present contempt is no longer required to be pursued as the respondent herein has already complied with the order dated 22.10.2016 passed by this Court by passing speaking order dated 1.12.2016(P-8).

A copy of order dated 1.12.2016(P-8) alongwith other documents is being sought to be placed on record by way of CM 4583-CII/2017.

CM 4583-CII/2017 is allowed and documents P-8 to P-10 are taken on record.

As per order dated 22.10.2016(P-1) passed by this Court in CWP 22027/2016, disobedience of which is impugned, respondent herein was directed to decide the legal notice dated 22.8.2016 within a period of four weeks. A perusal of order dated 1.12.2016(P-8) reveals

that in compliance of the said order dated 22.10.2016 the claim of the petitioner has been considered and rejected by respondent herein, who alone was directed to consider and decide the legal notice served by the petitioners.

In this view of the matter, the application seeking impleadment of respondents 2 and 3 is not maintainable and hence dismissed.

Similarly, compliance of order dated 22.10.2016 having already been made vide order P-8 no further action is warranted in the instant contempt petition.

Rule is discharged.

01.03.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No