

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 3718 of 2017

Date of decision: 14.12.2017

Somvir Sangwan and others**...Petitioners**

V/s.

**Sh. K.K. Khandelwal, Additional Chief Secretary,
Govt. of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present: Ms. Rimple Kadyan, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

The present contempt of Court petition has been filed for non-compliance of the order dated 23.05.2017 passed in CWP No. 1913 of 2017 read with CWP No.10348 of 2017, Pawan Kumar and others V/s. State of Haryana and another. In Pawan Kumar's case (supra), learned Single Judge while disposing CWP observed as follows: -

“Learned counsel for the petitioners has accepted this fact.

In the circumstances, the learned Assistant Advocate General states that she has instructions that the State will examine the claims of the present petitioners and persons who were selected in subsequent selection and to ensure that nobody is presented with a fait accompli any appointment or placement which is now made shall be provisional and subject to final placement which will be made in due course.

In this view of the matter the present petition is disposed of at this stage.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.”

Reading of the order it is evident that there is no positive direction

or command to do particular thing or direction. Hence, respondent has not

violated order. Therefore, it does not amount to contempt of Court and otherwise there must be order or direction and it should be expressed. From the perusal of the record, it is evident that there is no positive direction so as to determine that there is a willful default on the part of the respondents. In order to constitute contempt the order of the Court, must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extraordinary effort nor should it be depending, either in whole or in part, upon any act or omission of a third party for its compliance. In substance, disobedience will take place when there is a non-compliance of an order made by a Court. Whereas in the present case statement of learned Assistant Advocate General has been recorded and there is no further direction to the respondent to do particular thing or direction as to say respondent has committed contempt.

Accordingly, petitioners have not made out a case so as to entertain contempt of Court petition and the contempt petition is hereby dismissed. Dismissal of this contempt petition would not be a hurdle to approach concerned respondent with a specific relief.

14.12.2017

Divyanshi

**(P.B.BAJANTHRI)
JUDGE****Whether speaking/reasoned
Whether reportable****:
:****Yes/No
Yes/No**