

COCP No.3823 of 2017

Gurpreet Kaur
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high court

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

COCP No.3823 of 2017

Date of Decision: 20.12.2017

Manjit Singh and others

....Petitioners

Versus

Roop Singh and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Vanita Sapra Kataria, Advocate
for the petitioners.

DAYA CHAUDHARY, J. (ORAL)

The petitioners herein have approached this Court by way of filing ***CWP No.24889 of 2014***, which was allowed vide order dated 16.09.2016 and impugned orders dated 31.10.2014 and 03.03.2015 were quashed. However, the respondents were directed to re-consider the case of the petitioners by giving opportunity of hearing to them and to conduct inquiry and pass orders in accordance with law. It was also mentioned that the petitioners be informed to join the proceedings by sending notices by registered post, if required.

On non-compliance of aforesaid directions, the petitioners filed ***COCP No.853 of 2017***, wherein, counsel appearing for respondents No.2 and 3 stated before the Contempt Court that the enquiry proceedings initiated against the petitioners have been dropped and they have been reinstated on their respective posts. A copy of resolution to the said effect was also taken on record. It was specifically mentioned in order dated

26.04.2017 that no cause of action was there for further action and it was withdrawn by learned counsel for the petitioners appearing in the contempt petition. However, the liberty was given to make representation, in case, still any grievance was there.

However, the petitioners served a legal notice to the respondent authorities on 01.09.2017, which is annexed as Annexure P-8 with this petition.

Learned counsel for the petitioners submits that the compliance of order has not been made as neither the enquiry had been conducted nor any proceedings were initiated. There was no re-consideration of the matter at all. Non compliance of order amounts to contempt of order passed in the writ petition.

A perusal of order passed by the Contempt Court shows that a specific undertaking/statement was given by learned counsel appearing for the respondents that enquiry proceedings had been dropped and the petitioners were re-instated on their respective posts. Even a copy of the resolution was also placed on record. On the request of learned counsel for the petitioner, the contempt petition was dismissed as withdrawn with the liberty to make representation, in case, still any cause of action was there. It is also not disputed that the petitioners were not re-appointed/re-instated. In case, subsequently some grouse remains that is a separate cause of action and no contempt is made out. However, it is also made clear that the representation/legal notice which was made by the petitioners has not been decided so far as nothing has been conveyed to them and no such document is on record.

However, keeping in view the fact that the representation/legal

notice is still pending and no action has been taken, the present petition is disposed of with a direction to the respondents to take action on the representation/legal notice filed by the petitioners on 01.09.2017 (Annexure P-8) within a period of three weeks from the date of receipt of certified copy of the order.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

20.12.2017
gurpreet

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No