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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 29/2017 & C.M.No.1674/2017**

NARESH CHANDRA GARG

..... Petitioner

Through Mr.N.C.Gupta, Advocate.

versus

G MOHAN KUMAR & ORS

..... Respondents

Through Mr.Dev P.Bhardwaj, CGSC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.01.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 31st of March, 2008, passed by a Division Bench of this Court in W.P (C) No.4789/1997, whereby the respondents were directed to grant increased pensionary or retiral benefits to the petitioner as may be applicable to him by granting him notional appointment before the date on which the person junior to him was appointed.

It is averred in the petition that an earlier contempt petition bearing No.697/2008 was disposed of by this Court vide order dated 29th April, 2009 in pursuance to the sanction order dated 31/03/2009 directing the respondents to make payment to the petitioner within two months with liberty to the petitioner to seek revival of the contempt proceedings.

It is further averred in the petition that due to non-implementation of the order dated 29th April, 2009 by the respondents, the applications bearing Nos. CM 8593/2011 and 8594/2011 were also filed by the

petitioner in CONT.CAS(C) No.697/2008 for revival of the said contempt petition. However, the same were dismissed as withdrawn on 02nd May, 2011 with liberty to take recourse to such remedies which may be available in accordance with law.

Learned counsel for the petitioner states that despite making several representations, the respondents have not complied with the order dated 31st March, 2008 till date.

The Contempt of Courts Act, 1971 prescribes a period of limitation of one year. The said Section reads as under:-

“20. Limitation for actions for contempt. – No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

Since in the present case, the cause of action arose in the year 2008 and liberty to file fresh proceedings was granted on 02nd May, 2011, present contempt petition filed in 2017 is clearly barred by limitation. Consequently, the same is dismissed.

MANMOHAN, J

JANUARY 16, 2017
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