

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

COCN No.1993 of 2017

Date of Decision:-20.02.2018

Visakha Singh.

.....Petitioner.

Versus

**Smt. Chandara Lekha Mukherjee, General Manager, Vigilance,
Headquarters, Northern Railway Baroda House, New Delhi & Ors.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.P. Kansal, Advocate for the Petitioner.

Mr. O.P. Dabla, Advocate for respondent no.3-Union of
India.

Mr. G.S. Bal, Senior Advocate assisted by
Mr. Tarun Singla, Advocate for respondents.

JASWANT SINGH, J.

Petitioner-Visakha Singh has filed the present contempt petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 alleging violation of order dated 11/05/2017 (P-1) passed by this court in CWP No 17119 of 2015, whereby the respondents were directed to supply the information already provided to him in case the petitioner approaches the respondents on any working day within a period of 30 days from the date of passing of the order. It is to be seen that in the said order it was also mentioned that grievance of the petitioner was

that chargesheet No.152 has not been supplied. However, the case of the respondents was that chargesheet No. 152 was never issued to him.

Learned Counsel for the petitioner has argued that he, in compliance of the order dated 11/05/2017, made the request along with application on dated 07/06/2017 which was sent by registered post along with copy of order dated 11/05/2017. However, it is the assertion of the petitioner that till date no such information has been provided although, the respondents were bound to supply the information sought in compliance of order dated 11/05/2017, which was passed in the presence of the counsel for the respondents. Thus, prayer has been made for initiating contempt of court proceedings against the respondents.

On the other hand, it is the assertion of the counsel for the respondents, by referring to the reply filed by them on dated 25/09/2017, that the information as sought by the petitioner had already been supplied to him previously, which is evident from the reply filed by them in the writ petition No. 17119 of 2015 which resulted into the passing of order dated 11/05/2017 (P-1). He has further referred to paragraphs No. 3, 4 and 5 of the reply to submit that, on the receipt of the letter dated 07/06/2017, the information as sought by the petitioner was again sent to him by the respondents, however, the petitioner intentionally refused to accept the said reply/information which is evident from the refusal reports (Annexure R-3 and R-5). Thus, it has been asserted that there is no willful disobedience of the order passed

by this court and further, the information as sought by the petitioner was sent to him within reasonable time and therefore, prayer has been made for dismissal of the contempt petition.

I have heard learned Counsel for the parties and perused the paper book with their able assistance and I am of the view that the present contempt petition is liable to be dismissed.

A perusal of the order dated 11/05/2017 passed in CWP No. 17119 of 2015 would show that no time period was prescribed for again supplying the information to the petitioner, in case he approaches the respondents within 30 days. It is further evident from the said order that although the sole grievance that was raised by the petitioner was non-supplying of the chargesheet No. 152, however, the said assertion was also denied by the respondents by stating that no such chargesheet was ever issued. Meaning thereby, the court had only directed to supply the information which already stood supplied to the petitioner previously.

Admittedly, petitioner made the request on 07/06/2017 by way of registered post (i.e just 4 days prior to the completion of 30 days period granted by the court) and thereafter, filed the instant contempt petition on 18th of July 2017 (i.e merely one month and 11 days after sending the said application by post). Further, it is evident from the reply filed by the respondents that the information was indeed supplied to the petitioner, however, for the reasons best known to him, petitioner refused to receive the said information. In the opinion of this

court, the said act/s on part of the petitioner i.e *firstly*, to not even wait for reasonable time for the respondents to reply; *secondly*, refuse the letters sent by the respondents supplying the said information; cannot be used to drag the respondents into unnecessary litigation. The court cannot be made via-media for settling personal scores of petitioner against the departments/ its officers by filing such contempt petitions which smacks of malafides.

In view of the above, finding no merit in the present contempt petition, the same is hereby dismissed.

Rule stands discharged.

(JASWANT SINGH)
JUDGE

February 20, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>