

COCN No. 2754 of 2016
Date of Decision: 13.12.2018

Surinder Kumar

....Petitioner

Versus

Mangal Dass and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. K.K. Goel, Advocate
for the petitioner.

Ms. Sudeepti Sharma, Addl. Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

The present petition has been filed stating that the additional affidavit filed by respondent No.1 before this Court in CWP No.6009 of 2015 was false and therefore, contempt was made out as on the basis of the said affidavit, the earlier contempt petition was rendered infructuous.

The present contempt petition has been filed on the ground that the respondent has misstated the facts in the affidavit. It was stated in the affidavit that Aata and Dal shall be distributed through the Depot Holders who have valid licence, whereas, the same was never done.

Learned counsel for the respondents while vehemently opposing the present contempt petition submitted that the petitioners should have availed the remedy for setting aside the order dated 02.05.2016 passed in the writ petition but instead of doing the same, he has filed the contempt petition. Even otherwise, no contempt is made out as the respondents have complied with the averments made in the affidavit and have not breached any of the undertaking given in the said affidavit.

In reply, affidavit of Inspector, Food and Supplies, Block

Ghorota, District, Pathankot has been filed. As per the said affidavit, the distribution of wheat was made to the card holders by the deponent in the presence of depot holders and under the supervision of vigilance committee as per the directions issued by the department. The vigilance committee and officials made their signatures on the e-sale register maintain under NFS act. The depot holders of village Rajpura namely the petitioner and Tarsem Lal were also present. The respondent-Inspector had made an announcement in the village regarding the distribution of the said wheat and Dal at the common place on the request of the Panchayat in view of the conduct of the petitioner and Tarsem Lal.

A Sarpanch of the village had also intimated to the beneficiaries and both the depot holders about the distribution. The distribution was, therefore, carried out in the presence of vigilance committee and the depot holders. After sometimes the depot holder Sruinder Kumar left on account of his bad health. This Court has no reason to doubt the said affidavit.

In view of the above, no contempt is made out. The present contempt petition is dismissed.

Rule, if any issued against the respondents stands discharged.

However, in case the petitioner is aggrieved in any manner, he is at liberty to avail the remedy as available to him in law.

(NIRMALJIT KAUR)
JUDGE

13.12.2018

sandeep