

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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COCP-3239-2018

Date of decision:09.10.2018

Didar Singh

...PETITIONER

Vs.

Smt. Shalini Singh Nagpal, District and Sessions Judge, Kurukshetra

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Petitioner has approached this Court alleging violation of the order dated 04.12.2017 (Annexure P-1) passed by this Court in CWP No. 27596 of 2017 preferred by the petitioner, wherein following order was passed:-

“ After arguing for some time, learned counsel for the petitioner seeks permission to withdraw the instant petition.

Dismissed as withdrawn.

Dismissal of this petition would not come in the way if the petitioner submits necessary representation/explanation to the show cause notice issued by the disciplinary authority, in that event, each of the contention raised by the petitioner be considered while passing the final order in the disciplinary proceedings.”

In compliance with the order passed by this Court, petitioner

has submitted his representation/explanation to the show cause notice issued by the disciplinary authority. The disciplinary authority has proceeded to pass an order dated 31.03.2018 (Annexure P-15) imposing the punishment of dismissal from service upon the petitioner.

Counsel for the petitioner asserts that as per the directions issued by this Court, the disciplinary authority was called upon to take into consideration each of the contentions raised by the petitioner while passing the final order, which has not been done and, therefore, the respondent has rendered herself liable to be proceeded against under the Contempt of Courts Act, 1971.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the order passed by this Court, reply to the show cause notice dated 21.11.2017 and the representation, which was submitted by the petitioner on 08.01.2018 when he was given a personal hearing as well as the order dated 31.03.2018 passed by the disciplinary authority. On consideration thereof, this Court is satisfied that the order passed by this Court has been duly complied with as the issues raised by the petitioner have been taken note of while passing the final order.

Learned counsel for the petitioner has tried to put forth his submissions with regard to the validity of the said order and the discrepancies in passing of the said order. This would not be within the domain of this Court while exercising its contempt jurisdiction. Therefore, this Court would not like to comment thereon as it would prejudice the statutory right of appeal or other remedies available to the petitioner.

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

October 09, 2018

(AUGUSTINE GEORGE MASIH)

pj

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No