

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

COCP No.3322 of 2017 (O&M)

Date of decision : 22.11.2018

Naresh Kumar and others

..Petitioners

versus

Krishan Kumar Khandelwal and another

.. Respondents

Coram: Hon'ble Ms. Justice Nirmaljit Kaur

Present: Mr. Kuldeep Shoeran, Advocate and
Mr. Amit Mann, Advocate for
Mr. Jasbir Mor, Advocate, for the petitioners.

Mr. Sandeep S. Mann,
Senior Deputy Advocate General, Haryana.

Nirmaljit Kaur, J. (Oral)

This order shall dispose of thirteen contempt petitions bearing COCP Nos.3322, 3295, 3894 to 3901 of 2017, 71, 1482 and 1773 of 2018, as common questions of facts and law are involved therein.

Learned counsel for the petitioners do not dispute the fact that the a bunch of eight contempt petitions involving the identical issue was disposed of by the coordinate learned Single Bench of this Court in COCP No. 3718 of 2017 titled as Somvir Sangwan and others vs. Sh. K.K.Khandelwal, Additional Chief Secretary, Govt. of Haryana and others, decided on 14.12.2017 pertaining to the same issue as in these cases. The operative part of the said order reads as under:-

“Reading of the order it is evident that there is no positive direction or command to do particular thing or direction. Hence, respondent has not violated order. Therefore, it does not amount to contempt of Court and otherwise there must be order or direction and it should be expressed. From the

perusal of the record, it is evident that there is no positive direction so as to determine that there is a willful default on the part of the respondents. In order to constitute contempt the order of the Court, must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extraordinary effort nor should it be depending, either in whole or in part, upon any act or omission of a third party for its compliance. In substance, disobedience will take place when there is a non-compliance of an order made by a Court. Whereas in the present case statement of learned Assistant Advocate General has been recorded and there is no further direction to the respondent to do particular thing or direction as to say respondent has committed contempt.

Accordingly, petitioners have not made out a case so as to entertain contempt of Court petition and the contempt petition is hereby dismissed. Dismissal of this contempt petition would not be a hurdle to approach concerned respondent with a specific relief.”

In view of the admitted position, the present contempt petition stands disposed of in same terms as in COCP No. 3718 of 2017, referred to above.

Rule issued to the respondents stand discharged.

(Nirmaljit Kaur)
Judge

22.11.2018
sharmila

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No