

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

**COCP 600/2016
Date of decision:9.2.2018**

Sarabjit Singh

.....Petitioner

VS

Sh.Inderjit Singh and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.B.S.Jaswal,Advocate for the petitioner.

Mr.Amrit Paul,Advocate for the respondents.

Jaswant Singh,J(Oral)

Petitioner has filed the instant contempt petition alleging willful disobedience of order dated 16.7.2012 (P-4)passed by JMIC Amritsar whereby salary of accused-Amarjit Singh under Section 138 of the Negotiable Instruments Act (for short the Act), was ordered to be attached.

It is borne out from the pleadings that petitioner Sarabjit Singh extended a friendly loan of Rs.1 lac to said Amarjit Singh. In turn, Amarjit Singh issued a cheque for Rs.1 lc in favour of the petitioner. The said cheque bounced for insufficient funds upon which petitioner initiated proceedings under Section 138 of the Act. In the said proceedings Amarjit Singh was declared a proclaimed offender. Since he was an employee of Guru Nanak Dev University, upon an application for attachment of his salary moved by the petitioner, order dated 16.7.2012 (P-4) came to be passed by the learned JMIC,Amritsar. Despite said order since the salary of Amarjit Singh was not attached, the present contempt has been filed.

Upon notice separate replies by both the respondents have

been filed stating therein that accused Amarjit Singh himself was posted as Superintendent in the Accounts Branch of the University and he in connivance with three other officials continued to draw full salary. The factum of passing of order of attachment of his salary came to the notice of the respondents when an application was moved by the petitioner for launching criminal proceedings against authorities concerned of the University. By the time the matter came to the notice of respondents accused Amarjit Singh had retired on 31.3.2014 and as such his salary could not be attached. It has further been stated that said Amarjit Singh has since died and his entire gratuity amount of Rs.9,63,385/- has been withheld and thus there had never been any willful disobedience. Further, disciplinary proceedings have also been initiated against the persons guilty for not bringing the factum of attachment of salary of said Amarjit Singh to the notice of the authorities.

In view of the above, it is apparent that no willful disobedience of the order dated 16.7.2012 is made out to invoke contempt jurisdiction of this Court.

Dismissed.

09.02.2018
joshi

(Jaswant Singh)
Judge

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