

COCP No.439 of 2017 :1:

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

COCP No.439 of 2017(O&M)
DATE OF DECISION:09.03.2018

Harnam Singh

...Petitioner

Vs.

Satbir Singh Jangu

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Additional AG, Haryana and
Mr. S. S. Mann, Senior DAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

CM No.3954-CII of 2018

This application is for placing on record affidavit dated
19.01.2018 in pursuance of order dated 14.12.2017.

Application is allowed.

Affidavit annexed with the application is taken on record.

COCP No.439 of 2017

Petitioner filed CWP No.21096 of 2016 whereby the writ
petition was disposed of with a direction to respondent No.3 to look into
the matter, consider the grievance raised by petitioner in representation
dated 10.06.2015 and to decide the same at an early date by passing an
appropriate order strictly in accordance with law within a period of one
month from the date of receipt of certified copy of the order.

When said order was not complied with, the petitioner had to file the present petition wherein notice of motion was issued on 28.02.2017. Thereafter, the case was adjourned on various dates and ultimately it was stated by way of affidavit dated 14.07.2017 that three speaking orders have been passed and the case was adjourned for 14.12.2017. It was the contention of learned counsel for the petitioner that petitioner was never heard whereas learned State counsel on instructions from respondent who was present in the Court made a statement that the petitioner was represented through lawyer. Petitioner's counsel specifically denied that any lawyer was engaged. Thereafter a specific affidavit was ordered to be filed within a period of three weeks. In response to that direction, an affidavit has been filed which is on record. Learned State counsel on the basis of affidavit dated 05.12.2018 submits that the petitioner was given personal hearing on 25.10.2016 and 07.11.2016 while considering his claim as made in his representation dated 10.06.2015. It was also clarified in the said affidavit that inadvertently a wrong statement was made that the petitioner was present with counsel whereas petitioner himself was present on that date.

Order dated 06.10.2016 was to be complied with within a period of one month from the date of receipt of certified copy of the order and a speaking order was passed on 26.10.2016 i.e. within a period of one month. Learned counsel for the petitioner has filed the present contempt petition only on the ground that no opportunity of hearing was given whereas as per direction issued by learned Single Judge only a direction

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was to consider the representation made by the petitioner.

No ground is made out to initiate contempt proceedings.

However, the petitioner is at liberty to challenge the order in case he is aggrieved by said order passed by respondents.

09.03.2018
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(DAYA CHAUDHARY)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
Whether reportable:	Yes/No