

COCN No.2149 of 2018

Date of Decision: 29.03.2019

Sukhwinder Singh and another

....Petitioners

Versus

Jaspal Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. Advocate General, Punjab

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for non-compliance of order dated 14.03.2018, vide which, a direction was issued to respondent No.1 to consider and decide the representation dated 05.02.2018, seeking promotion of the petitioner from the post of J.E./A.E. to the Sub Divisional Officers.

The contempt notice was issued to the respondent on 06.06.2018. When the petitioner has not received any response, he was forced to file the present contempt petition, which came up for hearing for the first time on 20.07.2018.

Reply on behalf of the respondent is already on record. As per the said reply, the order stood already complied with by way of passing an order dated 19.06.2018 in compliance of the order dated 14.03.2018. The order was passed by this Court on 14.03.2018, whereas, the order was passed by the respondent as late as on 19.06.2018. In case the said order was passed way back on 19.06.2018, it was not understood as to why the

same was not conveyed to the petitioner and in case the same had been conveyed to the petitioner, there was no reason for the petitioner to file the present contempt petition. In fact, even the reply was filed before this Court as late as on 28.02.2019, whereas, the notice had been issued by this Court on 20.07.2018. Even during this period, the said order was not conveyed to the petitioner probably awaiting for his retirement.

Thus, the respondent appears to have been negligent in the following manner:-

a) The order dated 19.06.2018 was never conveyed to the petitioner.

b) Even, after the contempt notice was issued on 20.07.2018, the said order has still not been supplied to the petitioner. The petitioner saw the order for the first time when he was handed over the copy of reply dated 28.02.2019. The order having been passed should have been conveyed to the petitioner.

Thus, the petitioner has been deprived the opportunity for challenging the said order while he was in service. There is no doubt that the order dated 14.03.2018, directing the respondent to decide the representation within six weeks, has been violated and was further aggravated by not communicating the order dated 19.06.2018 well within time.

However, taking a lenient view, this Court does not deem it proper to proceed with the present contempt petition any further but nevertheless the petitioner at least entitled to costs of ₹50,000/- to be paid by the respondent. In case, the said costs is not paid to the petitioner within

four weeks from today, the said contempt petition shall be listed on an application moved by the petitioner and in case, the petitioner is forced to file the said application, the said costs shall be further enhanced.

Rule issued against the respondent stands discharged.

(NIRMALJIT KAUR)
JUDGE

29.03.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No