

COCP No. 3702 of 2017

DECIDED ON: AUGUST 27, 2019

UMA KAPOOR AND ORS

.....PETITIONERS

VERSUS

S KARUNA RAJU IAS

.....RESPONDENT

CORAM: HON'BLE. MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Mukand Gupta, Advocate
for the petitioners.

Mr. Aditya Sharda, AAG, Punjab.

AVNEESH JHINGAN, J (ORAL)CM No. 12131-CII of 2019

Application is allowed, as prayed for.

Annexure P-3 is taken on record subject to all just exceptions.

COCP No. 3702 of 2017

The present contempt petition has been filed pleading wilful disobedience of the order dated 19.10.2016 passed in CWP No. 22949 of 2011.

The operational part of the order is quoted below:-

“ Once the competent authority is appointed, it shall proceed further with the claim of the petitioners from that very stage, when the order dated 31.03.2008 (Annexure P-16) was passed and shall make an endeavour to decide the matter at an early date and in any case within a period of six months, by passing an appropriate order, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.”

Pursuant to the notice of motion, reply was filed. It has been pleaded that the competent authority has been appointed and the matter has been decided.

Learned counsel for the petitioner submits that the matter has been partially decided against the petitioner and appeal has been preferred, the same has not been disposed of. He further submits that the appointment of competent authority is not as per the eligibility criteria provided under Section 4 of Evacuee Interest (Separation) Act, 1951.

The contention raised by learned counsel for the petitioner with regard to the appointment of competent authority does not fall within the ambit of contempt. The alleged illegal appointment of competent authority give a fresh cause of action.

As regard the final disposal of the appeal, it would be desirable that competent authority disposes of the said matter as expeditiously as possible.

Disposed of.

AUGUST 27, 2019
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(AVNEESH JHINGAN)
JUDGE

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