

COCN No. 3748 of 2018 (O&M)
DECIDED ON: SEPTEMBER 05, 2019

S.K. NAIN

.....PETITIONER

VERSUS

SH. SHATRUJEET KAPUR & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sunil Kumar Nehr 'Sirsa', Advocate
for the petitioner.

Mr. Kuldeep Tewari, Addl. AG, Haryana.

Mr. Sandeep Saini, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (ORAL)CM No. 17964-CII of 2019

Application is allowed, as prayed for.

Annexures P-6 and P-7 are taken on record, subject to all just
exceptions.COCN No. 3748 of 2018The present contempt petition has been filed pleading wilful
disobedience of the order dated 20.04.2018 passed in CWP No. 9550 of 2018.

The operational part of the order is quoted below:-

*“ In response, learned State counsel submits that the
claim/grievance of the petitioner, as also his representation, dated
26.12.2017 (Annexure P-13), shall be considered and dealt with by
the respondents within a period of three months from today. And,
appropriate orders, in accordance with law, shall be passed and
communicated to the petitioner.**The petition is accordingly, disposed of, in the above terms.
However, in the event the claim of the petitioner is declined, the*

respondent authorities shall pass a comprehensive order assigning reasons in support thereof.”

Pursuant to the notice of motion, reply dated 26.02.2019 was filed annexing the order dated 26.02.2019 whereby, the claim of the petitioner has been rejected.

Respondents have also tendered unconditional apology for the delay occurred in compliance of the order of this Court.

Learned counsel for the petitioner submits that the claim of the petitioner has been wrongly rejected.

The said aspect could not be gone into in the present contempt proceedings. This court cannot go beyond the four corners of the order alleged to be flouted. The Supreme Court in **Er. K. Arumugam v. V. Balakrishnan & Ors. 2019 AIR(SC) 818** has held as:

*“17. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed. Observing that in the contempt jurisdiction, the court cannot travel beyond the four corners of the order which is alleged to have been floated, in **Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others v. M. George Ravishekaran and others 2014(2) S.C.T. 163 : (2014) 3 SCC 373**, speaking for the Bench, Justice Ranjan Gogoi held as under:-*

"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest

*of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, **Jhareswar Prasad Paul v. Tarak Nath Ganguly 2002(2) R.C.R.(Criminal) 835 : (2002) 5 SCC 352, V.M. Manohar Prasad v. N. Ratnam Raju (2004) 13 SCC 610, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami 2008(3) R.C.R.(Civil) 177 : (2008) 5 SCC 339 and Union of India v. Subedar Devassy PV 2006(1) R.C.R. (Criminal) 702 : (2006) 1 SCC 613.**"*

In view of reply filed, no cause of action survives for pursuing the present contempt petition. Disposed of as infructuous. However, petitioner would be at liberty to avail remedy in accordance with law against the order

dated 26.02.2019.

Rule issued against the respondents stand discharged.

SEPTEMBER 05, 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>