

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

COCP No. 3884 of 2019

Date of Decision: 19.12.2019

Mahender

.....Petitioner

Versus

Sh. Pankaj

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

The petitioner filed a writ petition seeking direction to the Deputy Commissioner, Nuh, to appoint him on the post of Sweeper-cum-Mali/Chowkidar/Peon in the Government Middle School, Neemka, District Nuh, Mewat, considering the fact that his father had served in the school from 13.8.1998 to 3.1.2017. The petition was disposed of on 6.9.2019 directing the respondent No.2 (in the writ petition) to consider the representation and take appropriate decision within a period of two months from the date of receipt of certified copy of the order. The relevant portion of the order is reproduced below:

"Without going into the merits and de-merits of the case, I dispose of the present writ petition with a direction to respondent No.2 to consider representation (Annexure P-7) and take appropriate decision thereon, in accordance with law, within a period of two months from the date of receipt of certified copy of this order.

It is made clear that if decision is not taken within the time frame, there shall be costs of ₹25,000/- to be paid to the petitioner by the concerned Officer, who is responsible in not taking decision. However, in case, the

claim of the petitioner is to be rejected, then a well reasoned and speaking order be passed and conveyed to the petitioner.

The present petition is filed pleading that needful is not done by the respondent.

Learned State counsel submits that order dated 18.11.2019 was passed whereby the claim of the petitioner was rejected.

Learned counsel for the petitioner states that the said order was received on 6.12.2019 i.e. more than two months after receipt of certified copy of the order, hence, costs of ₹25,000/- imposed by the writ Court be paid to the petitioner.

The arguments raised is not well founded. It is not being disputed that the order was passed within two months from receipt of certified copy. The direction was to pass order within two months, it nowhere envisages that order should be communicated within the said period.

The contempt petition is dismissed.

The petitioner, however, would be at liberty avail remedy in accordance with law against order dated 18.11.2019.

19.12.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No