

COCN No. 4025 of 2018
Date of decision: 22.01.2019

Madhu Bala and others

...Petitioners

Versus

Dushmanta Kumar Behera

...Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Jawahar Lal Goyal, Advocate
for the petitioners.

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

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition is filed for non-compliance of order dated 24.08.2017 vide which a direction was issued to the respondent to take a decision on the representation of the petitioners dated 15.06.2009 and decide the same in terms of the judgment of this Court in **CWP No. 11254 of 2010, Neelam Rani Vs. State of Haryana and others**, decided on 15.05.2013.

It is contended that the learned counsel for the petitioners that when the said representation was not decided, the petitioner was also forced to send the contempt notice dated 28.08.2018. When still nothing was done, he was forced to file the present contempt petition.

However, a perusal of the legal contempt notice shows that the same has been addressed only to the Director, Elementary Education, Haryana and only the Director, Elementary Education has been made a party-respondents herein in the contempt petition.

Learned State counsel has pointed out the difficulty being faced in the Office of the Director in such like cases. The entire record is with the District Elementary Education Officer/ Head of the Institution. It is he who is the

requisite record and calculating the amount due to the petitioners, if so entitled.

The Director ,if at all, issues the direction to the District Elementary Education to do the needful. In this process, a lot of time is wasted, more so, when the District Elementary Education Officer being the competent authority is not even made a party in the contempt petition and the contempt notice is only sent to the Director not to the District Elementary Education Officer.

In an ex-parte, the respondent-State is not in a position to bring to the notice of the Court as to authority to whom a direction requires to be issued for deciding the said representation, creating anomaly and delay, causing inconvenience to the petitioner himself.

This situation is noticed in number of cases specially concerning the District Elementary Education Department.

In view of the above, the present contempt is disposed of with liberty to the petitioners to approach the District Elementary Education Officer at the first instance and thereafter, in case, the needful is not done by the concerned officer, the contempt petition be filed impleading him too as one of the respondent besides the Director and thus as necessary. This procedure be followed in all like cases.

22.01.2019*renu bala***(NIRMALJIT KAUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No