

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

**COCN No. 1468 of 2020
DATE OF DECISION : 21.08.2020**

Jasbir Singh

...Petitioner

Versus

Ajay Kumar Bhalla and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ferry Sofat , Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Kushagra Mahajan, Advocate,
for respondents No.1 and 2.

Ms. Deepali Puri, Advocate,
for respondents No. 3 to 7.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition for initiating action against the respondents under Sections 11 and 12 of the Contempt of Courts Act for non-compliance of an order dated 02.06.2020 passed by a co-ordinate Bench of this Court in CWP No. 7650 of 2020, whereby directions were issued to them to decide petitioner's representation dated 09.04.2020, as expeditiously as possible.

2. Learned counsel for the petitioner contends that the order dated 02.06.2020 was passed in the presence of counsel representing the respondents. Copy of the said order was also supplied to the respondents through registered post dated 06.06.2020 but till now, no order has been passed on the representation of the petitioner. The respondents have shown complete disrespect to the order passed by this Court by wilfully not complying with the same. Hence, the instant petition.

3. Mr. Satya Pal Jain, Learned Additional Solicitor General of India states that representation of petitioner has already been forwarded to the competent authority i.e State of Punjab and the same is under consideration.

4. Ms. Dipali Puri, learned counsel for respondents No.3 to 7 contends that petitioner has unnecessarily dragged such senior bureaucrats/functionaries at the highest level viz. Home and Defence Secretaries of country and Chief Secretary, Punjab, to the Court, even though they have no role to play.

5. It is apposite to mention here that petitioner's representation dated 09.04.2020 was directed to be decided by virtue of an order dated 02.06.2020, passed by my learned Brother Lalit Batra, J. while disposing of the main writ petition, wherein the petitioner seeks to provide him financial assistance by waiving off college fees of his son, waiver of electricity bills and his car loan EMIs. Petitioner pleads that due to lock down caused by spread of Covid-19 pandemic, he has no source of income.

6. In this context, it is pertinent to state that it is not the petitioner alone who has been adversely affected due to pandemic but entire country as a whole and, the populace across globe are suffering and facing serious financial difficulties and other problems. Any decision on the demands in the representation of the petitioner would carry huge and very wide ranging fiscal implications affecting the public at large as well as State exchequer. Petitioner is not the sole sufferer. Benefit of largesse, of the kind sought by him, if at all, would have to be conferred on all similarly situated citizens of the country. Naturally, it would take quite some time for the competent authority to consider the matter from all angles and arrive at an appropriate decision on the demands in the petitioner's representation, involving colossal additional burden on budget/revenue and consequential other larger issues with wide spread ramifications thereof.

7. It is common knowledge that currently, the main focus is on priority areas of preventing further spread of the pandemic, saving lives coupled with the decreased attendance in offices, which has quite adversely affected and considerably slowed down the working of the Government offices and its machinery. In such circumstances, merely because the competent authority could not so far take a decision on the legitimacy/admissibility of demands raised in the petitioner's representation, it would be unfair and unjust to conclude that it is a case of deliberate disobedience and non-compliance of the order dated 02.06.2020, whereby an innocuous direction was issued to the respondents to decide the petitioner's representation 'in accordance with law', as expeditiously as possible. In the course of hearing of these proceedings, on query of this Court, learned counsel for the petitioner was unable to show any source of law and/or legislative enactment and/or any administrative notification entitling him, as a matter of right, to seek, what is being asked by him in his pending representation. In the premise, no ground is made out for proceeding further against the respondents for any alleged contempt of Court. The instant petition deserves to be dismissed. It would be open to the petitioner to approach the competent authority, before whom his representation is pending consideration, to make out his case, if any. This Court expects that the competent authority will take appropriate decision in accordance with law. Dismissed.

(ARUN MONGA)
JUDGE

AUGUST 21, 2020
shalini

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No