

COCP No.1505 of 2020

Date of Decision : 10.11.2020

Krishan Kumar

...Petitioner

Versus

Satrujeet Kapur and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Jagbir Malik, Addl.A.G. Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 10 and 12 of the Contempt of Courts Act, 1971 read with Article 215 , is for initiating action against the respondents for willfully and deliberately disobeying order (Annexure P-1) dated 18.03.2020 in CWP No.7021 of 2020.
3. Learned counsel contends that vide order dated 18.03.2020, CWP No.7021 of 2020 was disposed of by directing the respondents to decide the claim made in legal notice dated 17.02.2020 within three months from the date of receipt of certified copy of the order and in case the petitioner was found entitled to the relief claimed, then the same be granted otherwise speaking order be passed but despite lapse of sufficient period of time, needful has not been done, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for violation of orders of this Court dated 18.03.2020 in CWP No.7021 of 2020.

4. Notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for violation of orders of this Court dated 18.03.2020 in CWP No.7021 of 2020.

5. Mr. Jagbir Malik, Addl.A.G. Haryana states that pursuant to order of this Court dated 18.03.2020 in CWP No.7021 of 2020, decision has been taken qua the claim in legal notice dated 17.02.2020 and the petitioner has been found entitled to the relief claimed and that in case four weeks' more time is granted, the benefits as per entitlement of the petitioner would be released to him.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by Mr. Jagbir Malik, Addl.A.G. Haryana, he does not press the contempt petition, at this stage and the same may be permitted to be withdrawn with liberty to the petitioner to move an application for revival of the contempt petition, if the circumstances of the case so warrant.

7. In view of the statement of learned counsel for the parties, the contempt petition is permitted to be withdrawn at this stage while directing respondent No.1 to ensure release of payment to the petitioner as per his entitlement pursuant to decision as has been stated to have been taken by the respondents in terms of order dated 18.03.2020 in CWP No.7021 of 2020 within four weeks' from today. However, it is made clear that in case the payment is not released to the petitioner within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

November 10, 2020

'Ps-Amit'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No