

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

COCP-1569-2020

Date of decision-17.08.2020

Saffik

...Petitioner

Vs.

G.D.Goyal and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Samrat Malik, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

This contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 on the ground of non compliance of the order dated 05.02.2020 (Annexure P-1), by the respondents.

Learned Senior counsel has contended that vide decision dated 05.02.2020 passed in CWP-12561-2017, the writ petition filed by the petitioner for regularization of services was allowed. The relevant part of the decision reads as under:-

“In the present case, the respondents are also not denying the regularization of juniors of the petitioner namely Gulshan and Hira Mal w.e.f. 01.10.2003. For all intents and purposes, the petitioner was given continuity of service from the date of termination. Hence, he fulfills all the conditions of regularization policy dated 01.10.2003 (Annexure P-2).”

Mr. Malik has further contended that the certified copy of the decision was sent through communication dated 10.02.2020 (Annexure P-2), however, the said decision has not been implemented so far. According to

him, the period of three months came to an end in May 2020, therefore, the

contempt proceedings be initiated against the respondents.

After hearing the learned counsel for the parties, this Court finds that the facts and circumstances of the case, *prima facie* do not constitute a case of willful and deliberate dis-obedience of the order dated 05.02.2020, as it is evident that the time frame granted by this Court came to an end approximately in the middle of May, 2020. This Court is not oblivious of the fact that in the month of March, in order to combat the pandemic COVID-19, the Government of India and State Government imposed various restrictions to curb its spread and therefore, the functioning in the Government offices was also curtailed. Further, the Hon'ble Supreme Court in its decision rendered in *suo moto* writ petition (Civil No.3-2020) also introduced flexibility in the law of limitation for filing of cases before the Courts, Tribunals and other authorities keeping in view the impact of the disease and the unprecedented prevailing situation in the country. Therefore, the said principles would also be equally applicable to the time frame granted to the Government Departments by an order passed on judicial side.

At this stage, to a pointed query, regarding finality of the decision dated 05.02.2020, learned State counsel has stated that the said decision is being challenged through the Letters Patent Appeal, however, because of the lockdown conditions in the State, the same was not filed so far, but the appeal is likely to be filed in near future. He further states that various other similar decisions have already been challenged by the State of Haryana through different LPAs.

Considering the above background of the case and the stand of the learned State counsel, it is apparent that the alleged action of the respondents cannot be construed as contempt of the order dated 05.02.2020.

Resultantly, the contempt petition is dismissed at this stage.

(MANOJ BAJAJ)
JUDGE

17.08.2020

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No