

COCN No.1665 of 2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCN No.1665 of 2020 (O&M)
DATE OF DECISION: 14.09.2020

HC Sandeep No.1/457 (Now 3/98)

.....Petitioner

versus

Manoj Yadava, IPS, Director General
 of Police Haryana and Another

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Yadav, Advocate, for the petitioner.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

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ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the respondents for not complying with the order dated 30.07.2014 (Annexure P-3) passed in CWP No.14776 of 2014.

The brief facts relevant to the present case are that during Departmental proceedings, the petitioner was awarded the punishment of dismissal from service vide order dated 28.03.2007. On appeal, vide order dated 07.11.2007 the punishment of dismissal from service was reduced to that of stoppage of two future annual increments with permanent effect. The petitioner preferred a revision petition. Vide order dated 01.04.2014 (Annexure P-1) the Director General of Police, Administration set aside the punishment and warned the petitioner to be careful and disciplined in future. However, vide order dated 29.04.2014 (Annexure P-2) the Director General of Police, Haryana set aside the order dated 01.04.2014 (Annexure P-1). The petitioner filed CWP No.14776 of 2014 in this Court challenging the order dated 29.04.2014 (Annexure P-2).

On 30.07.2014, CWP. No.14776 of 2014 was heard by this Court and the following order was passed:-

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“ Learned counsel for the petitioner relies upon order dated 30.05.2014 passed by this Court in CWP No.11674 of 2014 (EHC Satpal Singh vs. State of Haryana and others) wherein notice of motion has been issued for 22.12.2014 and the operation of impugned order has been stayed, to contend that instant one is an identical petition.

Notice of motion for 22.12.2014.

To be heard along with CWP No.11674 of 2014.

Interim order in same terms.”

The order passed in CWP No.11674 of 2014 on 30.05.2020, on which reliance was placed by the counsel for the petitioner, reads as under :-

“ Notice of motion for 22.12.2014.

Operation of the impugned order shall remain stayed till the next date of hearing.”

The said writ petition i.e. CWP No.11674 of 2014 was decided on 22.12.2017. However, the writ petition filed by the petitioner i.e. CWP No.14776 of 2014 remained pending and is now stated to be fixed for hearing on 06.10.2020.

The contention of the counsel for the petitioner is that despite the order dated 29.04.2014 (Annexure P-2) having been stayed on 30.07.2014, the petitioner has been denied two annual increments which action by the respondents amounts to wilful and deliberate disobedience of order dated 30.07.2014 passed by this Court in CWP No.14776 of 2014. A legal notice dated 10.08.2020 (Annexure P-7) was also sent but no action was taken by the respondents. The Pay Slips of the petitioner and a co-employee for July 2020 have been attached as Annexures P-8 and P-9 to show the pay disparity.

Notice of this contempt petition was issued and the respondent No.1 has filed a reply dated 10.09.2020. In the reply, an objection has been taken that the contempt petition is barred by limitation.

The learned counsel for the petitioner is not in a position to deny the fact that Section 20 of the Contempt of Courts Act, 1971 pertains to limitation and reads as under:-

“20. Limitation for actions for contempt - No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after

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the expiry of a period of one year from the date on which the contempt is alleged to have been committed. —No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

The counsel for the petitioner has argued that the petitioner has been denied two annual increments despite the order dated 29.04.2014 (Annexure P-2) having been stayed by this Court on 30.07.2014. However, there is no explanation as to what the petitioner did from 2014 to 2020. It is not the case of the petitioner that he has now been denied the two annual increments. Infact, the legal notice (Annexure P-7) sent on behalf of the petitioner is also completely silent regarding any non-release of increments in favour of the petitioner. Even if it is taken that the denial of the two annual increments stood stayed on 30.07.2014 and on any demand made by the petitioner thereafter the same were not released, then the petitioner ought to have approached the Court alleging contempt within the period of limitation which started running from 30.07.2014. The petitioner cannot sit on the fence for six years and suddenly cry disobedience by the respondents of an order passed by this Court. The petitioner ought to have been vigilant and taken appropriate steps within the period of limitation prescribed in Section 20 of the Contempt of Courts Act, 1971. The contempt petition is clearly hopelessly time-barred.

Moreover, the writ petition CWP No.14776 of 2014 is still pending. The petitioner can always make an appropriate prayer in that matter as and when it is finally decided.

The present contempt petition is hence dismissed.

Rule discharged.

September 14, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No