

COCP No.1771 of 2020 (O&M)

Date of Decision : 24.11.2020

Ravinder Singh Malik and another

...Petitioners

Versus

Devender Singh and others

....Respondents

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

Present : Mr.SanchitPunia, Advocate for the petitioners.

Mr. Pawan Kumar Longia, DAG, 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 Sections 10 & 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for non compliance of order (Annexure P-1) dated 16.07.2020 in CWP No.9950 of 2020 in case titled as '**Ravinder Singh Malik and another**versus**State of Haryana and others.**'

3. Learned counsel contends that vide order (Annexure P-1) dated 16.07.2020, CWP No.9950 of 2020 was disposed of by directing respondent No.3-Accounts Officer, Haryana Irrigation and Water Resource Department, Meerut Road, Karnal, Haryana, to take a call on the proposed pay fixation of the petitioners sent by the Executive Engineer vide letter dated 09.12.2019 as expeditiously as possible preferably within 01 month from the date of receipt of certified copy of the order, after granting personal hearing, if required and in case the petitioners were found entitled, relief be granted to the petitioners

forthwith, otherwise the respondents pass a speaking order and in case the same was found to be adverse to the petitioners they would be at liberty to challenge the same, 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.

4. Learned State Counsel, on the other hand, contends that needful could not be done in terms of order dated 16.07.2020 in CWP No.9950 of 2020 due to circumstances prevailing on account of Corona Virus Pandemic but in case 03 weeks time is granted, appropriate call would be taken by the Accounts Officer with regard to the proposed pay fixation of the petitioners sent by the Executive Engineer vide letter dated 09.12.2019, if necessary by granting personal hearing and in case, the petitioners are found entitled to the relief prayed for, the same would be released to them within 02 weeks thereafter, otherwise, speaking order would be passed to enable the petitioners to avail of their remedy, in accordance with law.

5. The same satisfies to learned counsel for the petitioners, who states that in the circumstances, he does not press the contempt petition at this stage and the same may be disposed of as such, while granting liberty to the petitioners to move an application for revival of the contempt petition, if the circumstances of the case, so warrant.

6. Accordingly, in the light of the statements of learned counsel for the parties, the Contempt Petition is ***disposed of*** as not pressed at this stage, with liberty as prayed for, while directing respondent No.3 to take a call on the proposed pay fixation of the petitioners, as sent to him by the Executive Engineer vide letter dated 09.12.2019 if necessary by granting personal hearing

to the petitioners within 03 weeks from today by passing speaking orders and the same be conveyed to the petitioners. In case the petitioners are found entitled to financial benefits, the same be released to them within 02 weeks of passing of speaking orders. In case the orders are adverse to the interest of the petitioners they would be at liberty to avail of their remedy, in accordance with law.

(B.S. Walia)
Judge

24.11.2020
'Amit-Rajneesh'

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