

COCN-2114-2020

Date of Decision: 14.10.2020

Kumari Neelam

...Petitioner

vs.

Krishan Kumar and others

...Respondents

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

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Sections 11& 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, is for punishing the respondents for willfully, deliberately, and intentionally disobeying order (Annexure P-1) dated 31.01.2020, passed in CWP No.19872 of 2015 in case titled as Kumari Neelam v. State of Punjab and Ors.

3. Learned counsel contends that vide order (Annexure P-1) dated 31.01.2020, CWP No.19872 of 2015, was disposed of by directing that order of reversion dated 09.09.2015 (Annexure P/6) be not acted upon in view of the said order having been stayed at the time of issuance of notice of motion and the petitioner having retired from service from the post of Head Mistress. In the circumstances, it was directed that the petitioner be granted consequential benefits including retiral benefits by treating her to have served on the post of Head Mistress, within a period of three months from the date of the order.

Annexure P/5 dated 17.02.2020 to respondent No.3 in terms of order dated 31.01.2020 in CWP No.19872 of 2015, no decision has been taken in the matter till date.

4. Notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them.

5. Mr. Aditya Sharda, Asstt. AG, Punjab, who is present, accepts notice on behalf of the respondents and has placed on record copy of order dated 08.10.2020 passed by the Director Public Instructions (S.E.), Punjab directing the concerned Drawing and Disbursing Officer to immediately take necessary steps to release due and admissible retiral benefits in favour of the petitioner by treating her to have retired from the post of Head Mistress.

6. Order dated 08.10.2020 of Director Public Instructions (S.E.), Punjab as furnished by the learned State Counsel is taken on record. Copy thereof, supplied to learned counsel for the petitioner, who on perusal of the same states that in the circumstances, he does not press the present contempt petition and the same may be disposed of as having become infructuous.

7. In view of the statement of learned counsel for the parties, the contempt petition is disposed of as having become infructuous. However, it is made clear that in case the retiral benefits are not released to the petitioner within a period of four weeks from today, the petitioner would be at liberty to move an application for revival of the Contempt Petition.

(B.S. Walia)
Judge

14.10.2020

'Rajneesh-Amit'

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