

COCP No.2398 of 2020

Date of Decision : 05.11.2020

Sahil Garg

...Petitioner

Versus

Ashwani Kumar Kansal

....Respondent

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

Present : Mr. M.S. Sarao, 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 Covid-19 pandemic.

2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondent for willfully and deliberately disobeying order (Annexure P-1) dated 26.09.2019 in CWP No.27664 of 2019 in case titled as 'Sahil Garg versus State of Punjab and others'.

3. Learned counsel contends that vide order dated 26.09.2019, CWP No.27664 of 2019 was disposed of by directing the Chief Engineer/Vigilance, Water Resources Department, Punjab, to decide the claim made in the legal notice dated 21.03.2019 by taking into account the submissions made in the writ petition and pass a speaking order in respect thereto, in accordance with law, within a period of 03 months from the date of receipt of certified copy of the order but despite lapse of the aforementioned period of time, needful has not been done, till date, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971.

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

for non-compliance with the orders of this Court dated 26.09.2019, in CWP

No.27664 of 2019.

5. Mr. Aditya Sharda, learned AAG, Punjab, accepts notice on behalf of the respondent and on instructions from the respondent, states that order dated 26.09.2019 in CWP No.27664 of 2019 could not be complied with on account of circumstances prevailing due to the Corona Virus Pandemic, as also in view of the respondent having been transferred from the post of Chief Engineer but in case, 04 weeks' more time is granted, needful would be done by the Competent Authority i.e. the present Chief Engineer/Vigilance, KAD, Water Resources Department, Punjab, Chandigarh and the orders passed on the claim made in the legal notice would be conveyed to the petitioner within a period of 01 week thereafter.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by the learned State Counsel, he does not press the contempt petition, at this stage and the same may be disposed of as such, while granting liberty to be petitioner to move an application for revival of the contempt petition, if the circumstances of the case so warrant.

7. Accordingly, in the light of the statement of learned counsel for the parties, the contempt petition is ***disposed of*** by directing compliance by the competent authority with orders dated 26.09.2019 in CWP No.27664 of 2019 within four weeks from today and conveying the decision on the legal notice to the petitioner within one week thereafter, failing which the petitioner would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

November 05, 2020

'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>