

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-2457-2020

Date of Decision: 10.11.2020

Parveen Kumar

...Petitioner

vs.

Vikas Partap and others

...Respondents

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

Present: Mr. R.K. Girdhar, 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 Sections 10/12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for willful disobedience of order dated 22.04.2019, in CWP No.10351-2019.
3. Learned counsel contends that pursuant to order dated 22.04.2019, disposing of CWP No.10351-2019 directing the Executive Engineer, Provincial Division, PWD (B&R) Branch, Industrial Area, Phsae-1, SAS Nagar, to examine the case of the petitioner against the backdrop of notice dated 12.01.2019, within eight weeks from the date of receipt of certified copy of the order and if any amount was found due towards the petitioner, to release the same to the petitioner, decision has been taken accepting part claim of the petitioner but the amount due qua the accepted claim, has not been released till

date, therefore, respondent No.6 is liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Issue notice to respondent No.6 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 22.04.2019, CWP No.10351-2019.

5. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of respondent No.6 and on instructions from Mr. Rajpreet Singh Sidhu, Executive Engineer, PWD (B&R), SAS Nagar, states that the amount as per entitlement due to the petitioner, would be released to him, within four weeks from today.

6. The same satisfies learned counsel for the petitioner, who states that in case the amount due is released to the petitioner within four weeks as per assurance held out by respondent No.6 through learned State counsel, he does not press the Contempt Petition and the same may be disposed of as such while granting liberty to challenge order dated 12.07.2019, to the extent it rejects the claim of the petitioner as also to move an application for revival of the Contempt Petition if the circumstances of the case so warrant.

7. In view of the statement of learned counsel for the parties, the Contempt Petition is disposed of by directing respondent No.6 to make payment to the petitioner as per his entitlement within four weeks from today while granting liberty to the petitioner to take out appropriate proceedings in accordance with law to challenge the order rejecting the balance claim. However, it is made clear that in case the needful is not done within the stipulated period of time, the petitioners would be at liberty to move an

application for revival of the contempt petition for appropriate action in the matter.

(B.S. Walia)
Judge

10.11.2020
'Amit-Rajesh'

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