

COCF No.2482 of 2020

Date of Decision: 12.11.2020

Devi Chand

...Petitioner

Versus

Sudhir Rajpal, IAS and another

...Respondents

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

Present: Mr. Vineet Chaudhary, 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 11 and 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondents for violating order, Annexure P/7 dated 10.08.2020 in CWP No.11481 of 2020.
3. Learned counsel contends that vide order Annexure P/7 dated 10.08.2020, CWP No.11481 of 2020 was disposed of by directing the Financial Commissioner-cum-Principal Secretary, Haryana to decide the application filed by the petitioner as well as appeal filed by respondent No.2 within two months of receipt of certified copy of the order but despite lapse of aforementioned period of time, needful has not been done, therefore, respondent No.1 is liable to be proceeded against under the Contempt of Courts Act, 1971 for non-compliance with order Annexure P/7 dated 10.08.2020 in CWP No.11481 of 2020.
4. Issue notice to respondent No.1 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against

him for non-compliance with order, Annexure P/7 dated 10.08.2020 in CWP No.11481 of 2020.

5. Mr. Vivek Chauhan, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1 and on instructions from respondent No.1 states that needful could not be done due to circumstances prevailing on account of Corona Virus Pandemic but in case 03 weeks' more time is granted, needful would be done.

6. The same satisfies learned counsel for the petitioners, who states that in view of the assurance held out by respondent No. 1 through the learned Addl. A.G., he does not press the contempt petition, and the same may be disposed of at this stage while granting liberty to the 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 statement of learned counsel for the parties, the contempt petition is ***disposed of*** at this stage by directing respondent No.1 to decide application filed by the petitioner as well as appeal filed by respondent No.2 within 03 weeks from today. However, in case, needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

12.11.2020

'Amit-Rajneesh

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