

COCN No.2486-2020 (O&M)

Date of Decision : 12.11.2020

Raj Kumari Rathee

...Petitioner

Versus

Mahavir Singh and another

....Respondents

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

Present : Mr. Sanjay Verma, 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 & 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for intentionally violating order Annexure P/1 dated 30.09.2019, in CWP No.3446 of 2016.

3. Learned counsel contends that vide order, Annexure P-1, dated 30.09.2019, CWP No.3446 of 2016 was disposed of by directing the Director Elementary Education, Haryana, to take a final decision on representation dated 16.03.2015, by passing a speaking order, within two months, from the date of receipt of certified copy of the order, but till date needful has not been done, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Notice to respondent No.2 to show cause as to why proceedings under the Contempt of the Courts Act, 1971 be not initiated against him for non-compliance with the orders of this Court dated 30.09.2019, in CWP

5. Mr. Vivek Chauhan, learned Addl. A.G., Haryana, accepts notice on behalf of respondent No.2 and on instructions from respondent No.2 states that needful could not be done due to circumstances beyond his control as also due to circumstances prevailing on account of Corona Virus Pandemic but in case 02 weeks' more time is granted, needful would be done and the orders passed on the representation would be conveyed to the petitioner within 01 week thereafter.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by learned State Counsel, he does not press the contempt petition, and the same may be disposed of as such 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.2 to decide representation dated 16.03.2015, in accordance with law, within 02 weeks from today and to convey a copy of the decision taken in respect thereto to the petitioner within a period of 01 week thereafter.

8. However, it is made clear that 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

November 12, 2020

'Amit-Rajesh'

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