

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No.2489 of 2020 (O&M)
Date of Decision: 12.11.2020

Gurnam Singh and Ors.

...Petitioners

Versus

Pardeep Kumar, IAS

...Respondent

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

Present: Mr. Ramesh Goyat, Advocate for the petitioners.

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 and 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondent for willful disobedience of order, Annexure P/1 dated 13.07.2020 in CWP No.9616 of 2020.
3. Learned counsel contends that vide order Annexure P/1 dated 13.07.2020, CWP No.9616 of 2020 was disposed of by directing the Director, Elementary Education, Haryana to consider and decide representation dated 16.03.2020 submitted by the petitioners within 2 months from the date of receipt of certified copy of order by affording an opportunity of hearing to the petitioners and taking into consideration judicial precedents referred to and in case of non-consideration of the claim of the petitioners within the time stipulated, costs of Rs.5000/- would be payable to the petitioners but despite lapse of stipulated period of time, needful has not been done, therefore, the

1971 for non-compliance with order Annexure P/1 dated 13.07.2020 in CWP No.9616 of 2020 despite, representation Annexure P/2 dated 17.07.2020 and notice, Annexure P/3 dated 30.09.2020.

4. Issue 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 order, Annexure P/1 dated 13.07.2020 in CWP No.9616 of 2020.

5. Mr. Vivek Chauhan, Addl. A.G., Haryana, accepts notice on behalf of the respondent and on instructions from the respondent has filed copy of order dated 05.10.2020, rejecting the representation Annexure P/2 dated 17.07.2020. The same is taken on record. Copy thereof supplied to learned counsel for the petitioners, who on perusal of the same states that in the circumstances he does not press the Contempt Petition and the same may be disposed of by granting liberty to challenge order rejecting the representation in accordance with law while directing the respondent to make payment of Rs.5000/- in terms of order Annexure P/1 dated 13.07.2020 in CWP No.9616 of 2020 on account of having passed the order on the representation beyond the stipulated period of time.

6. Learned Addl. A.G., Haryana states that a sum of Rs.5000/- as directed to be paid as costs vide order, Annexure P/1 dated 13.07.2020 in CWP No.9616 of 2020 would be paid to the petitioners on account of non-consideration of the claim of the petitioners within the stipulated period of time but the contempt petition may be disposed of as having become infructuous.

7. After taking into account all aspects of the matter, the contempt petition is disposed of as having become infructuous while granting liberty to

the petitioners to challenge rejection of their representation Annexure P/2 dated 17.07.2020, in accordance with law as also by directing the respondent to ensure payment of Rs.5000/- to the petitioners in accordance with order dated 13.07.2020 in CWP No.9616 of 2020 within four weeks from today on account of decision on the representation having been taken beyond the stipulated period of time.

(B.S. Walia)
Judge

12.11.2020

Amit-Rajneesh

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