

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-2872-2020

Date of Decision: 23.12.2020

Rohit

...Petitioner

vs.

Bharat Bhushan Bharti and another

...Respondents

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

Present: Mr. Anoop Singh Sheoran, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating action against respondent No.2 for intentionally and willfully disobeying order Annexure P/1 dated 04.11.2020, in CWP-18462-2020.

3. Learned counsel contends that vide order dated 25.09.2020, CWP No.15371-2020 was disposed of by directing the writ petition to be treated as a representation and the claim made therein to be decided by the respondents by passing a speaking and reasoned order within one month from the date of receipt of copy of the order, but despite certified copy of the order having been submitted and close to three months having lapsed, needful has not been done, therefore, respondent No.2 is liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of order dated 04.11.2020, in CWP-18462-2020.

4. Issue notice to respondent No.2 to show cause as to why

against her for willful and intentional non-compliance with orders dated 04.11.2020, in CWP-18462-2020.

5. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of respondent No.2 and on instructions from respondent No. 2, states that needful could not be done on account of concerned file not being traceable in the office of the Commission but now copy of the writ petition has been received from the office of the learned Advocate General yesterday and in case two weeks' time is granted, needful would be done in compliance with the order of this Court dated 04.11.2020, in CWP-18462-2020 and decision taken would also be conveyed to the petitioner within a period of one week thereafter.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by respondent No.2 through learned State Counsel, he does not press the Contempt Petition and the same may be disposed of as such at this stage while directing respondent No.2 to adhere to the assurance held out by him through learned State counsel as also by granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case, so warrant.

7. The same is not opposed by learned State counsel.

8. Accordingly, in view of the position as noted above as also in the light of the statement of learned counsel for the petitioner, the Contempt Petition is disposed of as not pressed at this stage while directing respondent No.2 to adhere to the assurance held out by her through learned State Counsel and to decide the claim of the petitioner made in the writ petition

within two weeks from today and to supply a copy of the decision taken in respect thereto to the petitioner, within a period of one week thereafter. Needless to mention, in case the 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

23.12.2020

'Rajesh-PS'

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