

COC-4247-2019

Date of Decision:20.02.2020

DHANI RAM

.....Petitioner

Vs.

SHATRUJEET SINGH KAPOOR AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate with
Ms. Bahaar Ghuman, Advocate
for the respondents.

MAHABIR SINGH SINDHU J. (ORAL)

Present petition has been filed under Article 215 of the Constitution of India, read with Section 11 and 12 of the Contempt of Courts Act, 1971 for taking suitable action against the respondents for non-compliance of the order dated 28.05.2019 (Annexure P-1).

It is contended by learned counsel for the petitioner that although the respondents have passed the order dated 25.10.2019, but there is complete non-compliance of the order of this Court and they are liable to be punished.

On the other hand, learned counsel for the respondents has submitted that since there is due compliance of the order passed by this Court and thus petition be dismissed.

Heard both the sides and perused the paper book.

From perusal of the order dated 28.05.2019, it transpires that

order dated 27.06.2016 (Annexure P-5) was passed by the Disciplinary

Authority thereby directing that suspension period of the petitioner shall be treated as leave of kind due, which according to the petitioner was not correct. Consequently, he served a legal notice, but no action was taken. Ultimately he filed CWP No.14428 of 2019 and this Court while disposing off the said writ petition on 28.05.2019 directed the respondents to decide the legal notice dated 07.04.2019 (Annexure P-15) by passing a speaking order within a period of three months. Although, the speaking order is passed on 25.10.2019, thus there is some delay in compliance of the order dated 28.05.2019 but the fact remains that respondents have passed a speaking order. If the order is not favourable to the petitioner, certainly, it cannot be said that there is disobedience of the order of this Court. Needless to say that petitioner would be at liberty to challenge the order dated 25.10.2019, if remedy is available under law.

Petition is disposed off, rule discharged.

(MAHABIR SINGH SINDHU)
JUDGE

20.02.2020

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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No