

COCP No.29 of 2021

Date of decision: 08.01.2021

Ashwani Narang

.... Petitioner

Versus

Anurag Rastogi and another

.... Respondents

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

Present : Mr. Parminder Singh, 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 10 and 12 of the Contempt of Courts Act, 1971 is for taking action against the respondents for intentional and willful disobedience of order, Annexure P/1 dated 11.09.2020 in CWP No.13745 of 2020.

3. Learned counsel contends that vide order Annexure P/1 dated 11.09.2020, CWP No.13745 of 2020 was disposed of by directing the respondents to decide representation dated 01.08.2020 submitted by the petitioner by passing a speaking order in accordance with law within three months from the date of receipt of certified copy of the order, but despite lapse of the aforementioned period of time, needful has not been done till date, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order Annexure P/1 dated 11.09.2020 in CWP No.13745 of 2020.

4. Notice to the respondents to show cause as to why proceedings

under the Contempt of Courts Act, 1971 be not initiated against them for intentional and willful defiance of order Annexure P/1 dated 11.09.2020 in CWP No.13745 of 2020.

5. Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of the respondents and on instructions from Mr. Vijay Singh, Additional Excise and Taxation Commissioner, states that the representation of the petitioner has been decided and case of the petitioner recommended by respondent No.2 i.e. Excise and Taxation Commissioner to the competent authority for his promotion to the post of Excise and Taxation Officer and that in case six weeks time is granted, final decision on the claim of the petitioner would be taken.

6. The same satisfies learned counsel for the petitioner who states that in the circumstances, he does not press the contempt petition and the same may be disposed of as such at this stage with directions to the respondents to take a final decision in the claim of the representation dated 01.08.2020 within six weeks from today with liberty to the petitioner to move an application for revival of the contempt, if the circumstances of the case, so warrant.

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

8. In view of the position as noted above, the contempt petition is ***disposed of*** as not pressed at this stage while directing respondent No.1 to take a final decision on the claim as made in representation dated 01.08.2020 within six weeks from today. It is made clear that 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.

08.01.2021

'Rajneesh'

(B.S. Walia)
Judge

Whether speaking/reasoned

:

Yes/No.

Whether reportable

:

Yes/No.