

COCP No.148 of 2021
Date of Decision : 21.01.2021

Sanjay Kumar and another ...Petitioners

Versus

Dinkar GuptaRespondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Lakhwinder S. Lakhanpal, 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 & 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondent for intentionally and willfully defying order (Annexure P-1) dated 02.03.2020 in CWP No.9483 of 2017.
3. Learned counsel contends that CWP No.9483 of 2017 was disposed of vide order (Annexure P-1) dated 02.03.2020, with the following directions:-

- (i) *The claim of the petitioners in all the writ petitions be considered by the Competent Authority-respondent No.2 and appropriate orders be passed within four months from the date of receipt of certified copy of the order.*
- (ii) *These directions are given in view of the fact that in the pleadings before this Court, no interim stay has been shown to the Court, whereby, interim stay can stated to be ordered staying consideration of cases for*

regularization of the employees. The Competent Authority may examine this issue and in case, there is no interim stay (as pointed by counsel for the petitioners), the Competent Authority is directed to consider and decide the claim of the petitioner.

- (iii) *While deciding claim of the petitioners, the Competent Authority may consider the fact that their claim for regularization had been pending since long. The Competent Authority is directed to consider their case for regularization from the date so demanded by the petitioners, however, in case, the Competent Authority finds that as per new affidavit, the Act of Welfare 2016, has been repealed, in that event a reasoned order shall be passed by the Competent Authority explaining the reasons as to why the cases of the petitioners do not deserve to be considered on the date of the application and on the date when similarly situated employees were regularized when the act was still in existence.*
- (iv) *The respondents shall, in any case, abide by their stand taken in Para 6 of the affidavit.*

Writ petitions are disposed of accordingly.”

but despite lapse of the stipulated period of time, needful has not been done, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 02.03.2020 in CWP No.9483 of 2017.

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 intentional and willful defiance of order dated 02.03.2020

in CWP No.9483 of 2017.

5. Mr. Aditya Sharda, learned AAG, Punjab, accepts notice on behalf of the respondent and on instructions states that needful could not be done on account of circumstances prevailing due to Corona Virus Pandemic but in case, 06 weeks' time is granted, needful would be done.

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 by directing the respondent to adhere to the assurance held out by him through learned State Counsel.

7. In view of the position noted above, as well as statement of learned counsel for the petitioner, the contempt petition is disposed of as not pressed, while directing the respondent to adhere to the assurance held out by him through learned State Counsel and to decide the claim of the petitioner in terms of order dated 02.03.2020 in CWP No.9483 of 2017 within 05 weeks from today and to convey the decision taken thereon to the petitioner within a period of one week thereafter.

8. 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

January 21, 2021

'Rajneesh'

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