

AT CHANDIGARH

COCP-312-2021

Date of Decision: 09.02.2021.

Sunil Kumar Goyal

...Petitioner

vs.

Sarvjit Singh and others

...Respondents

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

Present: Mr. Ravish Bansal, 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 proceedings against the respondents for intentionally and willfully disobeying order dated 28.05.2019, in CWP-14488-2019.
3. Learned counsel contends that vide order dated 28.05.2019, CWP-14488-2019, was disposed of by directing the respondents to decide legal notice dated 09.07.2018 by passing a speaking order, within three months from the date of receipt of certified copy of the order and in case of finding the petitioner entitled to any monetary benefits, to release the same to the petitioner within three months thereafter, needful has not been done till date, despite supply of certified copy of order and lapse of close to one and a half year, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of order dated 28.05.2019, in CWP

No. 14488-2019.

3. Issue notice to respondent Nos.2 and 3, to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for non-compliance with orders dated 28.05.2019, in CWP-14488-2019.

4. Mr. Aditya Sharda, Addl. AG, Punjab, accepts notice on behalf of respondent Nos.2 and 3 and on instructions from respondent No.2 states that needful could not be done due to circumstances beyond the control of the respondents but in case three weeks time is granted, needful would be done and in case the petitioner is found entitled to any monetary benefits, the same shall also be released to him within three weeks thereafter.

5. 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 while directing respondent Nos.2 and 3 to adhere to the assurance held out by them through Addl. AG, Punjab and to decide the claim of the petitioner within three weeks from today and to release the financial benefits in case, the petitioner is found entitled to the same, within a period of three weeks thereafter.

6. Accordingly, in view of the position as noted above as well as statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing respondent Nos.2 and 3 to adhere to the assurance held out by them through learned Addl. AG, Punjab, and to decide the legal notice dated 09.07.2018, within four

weeks from today and in case, the petitioner is found entitled to any monetary benefits, to release the same to the petitioner within four weeks 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

09.02.2021.
'Rajesh-PS'

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