

Vishnu Kumar**....Petitioner****Versus****Mahavir Singh and others****....Respondents****CORAM: HON'BLE MR. JUSTICE B. S. WALIA**

Present : Mr. S. K. Malik, 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. Learned counsel contends that the instant petition was filed for initiating action against the respondents for intentional and willful defiance of order dated 30th January 2020 in CWP No.9551 of 2018 which was disposed of by taking into account the reply filed by the Special Secretary to Government of Haryana, School Education Department, Panchkula as also order dated 01.05.2019 (Annexure R-1), attached to the reply, as per which, benefit of selection grade had been granted w.e.f. 01.01.1996 instead of 01.08.2000 and by directing the respondents to get necessary sanction from the Finance Department and release the benefits admissible to the petitioner within three months from the date of receipt of certified copy of the order. Learned counsel contends that despite lapse of more than 13 months, needful has not been done till date despite supply of certified copy of order dated 30.01.2020, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 30.01.2020 in CWP No. 9551 of 2018.

3. Issue 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 dated 30.01.2020 in CWP No. 9551 of 2018.

4. Mr. Pawan Kumar Longia, DAG, Haryana, on instructions from the respondents states that needful could not be done due to administrative exigencies besides circumstances prevailing on account of coronavirus pandemic but in case four weeks was granted, benefits as per entitlement would be released to the petitioner in compliance of order dated 30.01.2020 in CWP No.9551 of 2018.

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 not pressed at this stage with a direction to the respondents to release the benefits to the petitioner as per his entitlement in terms of order dated 30.01.2020 in CWP No.9551 of 2018 within four weeks from today while granting liberty to the petitioner to move an application for revival of the contempt petition, if circumstances of the case so warrant.

6. Taking into account the categorical assurance made by the respondents through learned State counsel, as well as statement of learned counsel for the petitioner, the contempt petition is disposed of as not pressed at this stage while directing the respondents to adhere to the assurance and release benefits to the petitioner as per his entitlement in terms of order dated 30.01.2020 in CWP No.9551 of 2018 within four weeks from today.

7. Needless to mention in case the needful is not done within the stipulated period of time, a serious view would be taken in the matter, in the

eventuality of the petitioner filing an application for revival of the contempt petition.

February 16, 2021

(B.S. WALIA)
JUDGE

‘rajesh’

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No