

COCP-1340-2021

Date of Decision: 26.08.2021.

Vijay Gupta

...Petitioner

vs.

Ajoy Kumar Sinha

...Respondent

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

Present: Mr. Avikaran Bansal, Advocate for the petitioner.
Ms. Deepali Puri, Addl. AG, Punjab.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 is for initiating action against the respondent for intentionally and willfully disobeying order Annexure P-1 dated 25.09.2018 in CWP No.24488-2018.
3. Learned counsel contends that vide order dated 25.09.2018, CWP No.24488-2018 was disposed of with liberty to the petitioner to file an appeal before the Principal Secretary, Local Government Department, Punjab within one month, who in turn, was directed to decide the same within four months thereafter. Learned counsel contends that today the learned State counsel has placed on record affidavit of the respondent along with order dated 23.08.2021 partially allowing the appeal. The same is taken on record. Learned counsel contends that, in the circumstances, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of while granting liberty to the petitioner to challenge order dated 23.08.2021 to the extent the same is against the petitioner.
3. Learned State counsel states that in view of order dated

25.09.2018 in CWP No.24488-2018 having been complied with, the contempt petition may be disposed of as not calling for any further orders. Learned counsel further contends that on account of delay in deciding the appeal which was due to circumstances beyond the control of the respondent, the respondent tenders unconditional apology.

4. I have considered the submissions of learned counsel for the parties.

5. Admittedly, vide order dated 25.09.2018, in CWP No.24488-2018, the competent authority was directed to decide the appeal filed by the petitioner within four months from the date of filing of the appeal but the same has been decided vide order dated 23.08.2021 i.e. much beyond the stipulated period of time. However, taking into account the fact that the order of Hon'ble the Division Bench have been complied with and the appeal could not be decided earlier due to administrative exigencies, besides unconditional apology has been submitted, no action under the Contempt of Courts Act, 1971 is called for against the respondent. Contempt petition is disposed of as such while granting liberty to the petitioner to challenge order dated 23.08.2021 by way of appropriate proceedings in accordance with law.

7. Rule discharged.

26.08.2021

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(B.S. Walia)
Judge

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