

COCP No.1399 of 2021 (O&M)
Date of Decision : 20.07.2021

...Petitioners

Versus

....Respondents

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

Present : Mr. Gaurav Sharma, Advocate for the petitioners.

Ms. Deepali Puri, Addl. A.G., 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 instant petition under Sections 11 & 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for not implementing ad interim order dated 07.04.2021 passed in CWP No.7847 of 2021.
3. Learned counsel further contends that the petitioners had challenged orders dated 17.03.2021 & 24.03.2021 (Annexures P-8 & P9 in CWP No.10355 of 2021), transferring the petitioners from the Secondary Directorate to the Primary Directorate of the Punjab Education Department and vide Annexure P/1 dated 07.04.2021, while issuing notice of motion for 28.06.2021, it was ordered that in the meanwhile, no orders affecting the rights of the petitioners be passed, till

the next date of hearing.

4. Learned counsel for the petitioners further contends that despite order Annexure P/1 dated 07.04.2021, the petitioners who had been shifted to the Primary Directorate prior thereto were not brought back to the Secondary Directorate, therefore, the respondents were liable to be proceeded against under the Contempt of Courts Act, 1971, more so, in view of order (Annexure P-7) dated 27.05.2021 in CWP No.10355 of 2021 whereby the operation of impugned letters/orders dated 17.03.2021 and 01.04.2021 had been stayed.

5. I have considered the submissions of learned counsel for the petitioners.

6. Admittedly, the petitioners were shifted from Secondary Directorate to Primary Directorate of the Punjab Education Department, prior to the passing of order dated 07.04.2021 in CWP No.7847 of 2021. Order of Hon'ble the writ Court in CWP No.7847 of 2021 merely records that no orders affecting the rights of the petitioners shall be passed till the next date of hearing. Operation of the impugned orders dated 17.03.2021 and 01.04.2021 was not stayed in CWP No.7847 of 2021.

7. Admittedly, no orders affecting the rights of the petitioners were passed after 07.04.2021, besides, neither the petitioners in the instant petition were petitioners in CWP No.10355 of 2021 in which operation of the impugned letters/orders dated 17.03.2021 and 01.04.2021 were stayed nor the instant petition is for violation of orders

of CWP No.10355 of 2021.

8. Accordingly, I do not find any intentional and willful defiance of order dated 07.04.2021 (Annexure P-1) in CWP No.7847 of 2021, warranting action against the respondents.

9. *Dismissed.*

20.07.2021

'Rajneesh/Amit'

(B.S. Walia)

Judge

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>