

COCP-1409-2021 (O&M)

Date of Decision: 18.08.2021.

Vimal and anr.

...Petitioners

VS.

Varinder Kumar Sharma

...Respondent

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

Present: Mr. Chandan Singh, 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 petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India is for initiating proceedings against the respondent for intentional and willful defiance of order (Annexure P-1) dated 29.01.2021 in CWP No.1959 of 2021 in case titled as Vimal and anr. Vs. Union of India and others.

3. Learned counsel contends that vide order Annexure P-1, CWP No.1959 of 2021 was disposed of by directing the respondent to decide the legal notice dated 14.07.2020 by passing a speaking order within three months from the date of receipt of copy of the order while

keeping in mind the law laid down by this Court in CWP No.17331 of

2010 in case titled as Nisha and others vs. State of Punjab and others decided on 27.05.2019. Learned counsel further contends that today the petitioners have been supplied copy of order dated 28.07.2021 deciding the claim of the petitioners as made in the legal notice. The same is taken on record. Learned counsel contends that in the circumstances, the petitioners are not interested in pursuing the contempt petition and although the petitioners have been held entitled to some benefits under order dated 28.07.2021 but since the same are not in accordance with law laid down in CWP No.17331 of 2010, therefore, the contempt petition may be disposed of while granting liberty to the petitioners to challenge order dated 28.07.2021 by way of appropriate proceedings in accordance with law.

4. Learned Addl. A.G. also states that decision could not be taken earlier due to conditions prevailing on account of coronavirus pandemic but now since the claim of the petitioner has been accepted, no action be taken against the respondents under the Contempt of Courts Act, 1971.

5. I have considered the submissions of learned counsel.

6. Admittedly, the instant petition was filed on account of failure to do the needful within the stipulated period of time but failure to do the needful within stipulated period of time is stated to be due to conditions prevailing on account of coronavirus pandemic and since order has been passed now on 28.07.2021 deciding the claim of the petitioners pursuant to order dated 29.01.2021 in CWP No.1959 of 2021, no action under the Contempt of Courts Act, 1971 is called for against the respondent.

7. Accordingly, the petition is disposed of as such while granting liberty to the petitioners to challenge order dated 28.07.2021 by way of appropriate proceedings in accordance with law.

(B.S. Walia)
Judge

18.08.2021

ps

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