

Date of Decision : 26.07.2021

...Petitioner

Versus

...Respondent

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

Present : Mr. Nitin Sharma, 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 instant petition is for initiating action against the respondents under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 05.02.2019 in CWP No. 30788 of 2019.
3. Learned counsel contends that vide order dated 05.02.2019 in CWP No. 30788 of 2019, the respondents were directed to decide the claim made in the legal notice dated 16.07.2018 by passing a speaking order within three months from the date of receipt of certified copy of the order and in case the petitioner was found entitled for regularization w.e.f. 2004, she would be entitled to notional fixation of pay only but the respondents have failed to decide the claim made in the legal notice till date therefore they are liable to be proceeded against under the Contempt of Courts Act, 1971.
4. Issue notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against

them.

5. Mr. Sandeep Singh Mann, learned Addl. AG, Haryana accepts notice on behalf of the respondents and has placed on record copy of order dated 26.06.2019 passed by respondent No.2 rejecting the claim of the petitioner. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner who states that in the circumstances the petitioner does not wish to pursue the contempt petition and the same may be disposed of as such while granting liberty to the petitioner to challenge order dated 26.06.2019 by way of appropriate proceedings in accordance with law.

6. Accordingly in the light of position noted above, no action is called for under the Contempt of Courts Act, 1971 against the respondents, and the contempt petition is disposed of accordingly while clarifying that since the learned Addl. AG, Haryana, has not brought on record any acknowledgement with regard to order dated 26.06.2019, having been supplied to the petitioner prior to today, order dated 26.06.2019, shall be deemed to have been supplied to the petitioner for the first time today itself.

26.07.2021

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[B.S.Walia]
Judge

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