

CHAND RAM

...Petitioner

Versus

RAJNARAYAN KAUSHIK, IAS, AND ANOTHERRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Amarjit Beniwal, Advocate for
Mr. Subhash Rana, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiation of proceedings against the respondents for intentional and willful defiance of order, Annexure P/1, dated 17.05.2017 in case titled as Chand Ram vs. State of Haryana and others.

[2] A perusal of order, Annexure P/1 reveals that CWP No.7396 of 2016 was allowed and the respondents were directed to release payment of gratuity to the petitioner along with interest @9% per annum.

[3] At the outset, learned counsel for the petitioner states that payment as per entitlement in terms of order, Annexure P/1 dated 17.05.2017 has been released to the petitioner, therefore, the petitioner does not wish to pursue the instant petition and may be permitted to withdraw the same.

[4] Learned DAG refers to affidavit of Dr. Mahavir Singh, IAS,

Additional Chief Secretary to Govt. of Haryana, School Education

Department dated 08/18.09.2020 to contend that steps have been taken to ensure expeditious resolution of the claims as are the subject matter of various contempt petitions. Learned DAG states that 12 Legal Assistants have been engaged to get the court cases disposed of smoothly besides 28 Legal Assistants have been engaged in the field offices to ensure speedy resolution of the court cases, 06 Legal Assistants have been engaged in the office of the Director, Elementary Education, besides, directions have been issued from time to time to get orders of the Courts complied with and replies filed in time. Learned DAG further states that instructions have also been issued vide letter dated 30.09.2019 for monitoring court cases on top priority, besides action has been taken against 15 officials for taking the court matters in casual manner as per details given in paragraph No.5 of the affidavit.

[5] Learned DAG also refers to affidavit filed by Sh. Pardeep Kumar, IAS, Director, Elementary Education Haryana Panchkula, to contend that there was no lapse on the part of any officer/official of the Head Officer as grant of gratuity got delayed due to time taken in filing the LPA due to contradictory legal opinion. Resultantly, when the LPA was filed, the same was dismissed on account of delay of 582 days.

[6] Learned DAG contends that in the circumstances, although explanation of the concerned officer has been called for, yet the fault is not of the concerned official, since the delay in filing the LPA occurred on account of the contradictory opinion and the time taken in getting clarification in respect of the same and thereafter, filing of LPA.

IAS, Additional Chief Secretary to Govt. of Haryana, School Education Department as well as Sh. Pardeep Kumar, IAS, Director, Elementary Education Haryana and am of the view that in the circumstances, in view of the steps taken by the Additional Chief Secretary to Govt. of Haryana as well as the explanation given by the Director, Elementary Education, Haryana indicating the reasons for delay, no further action is called for in the matter against the respondents under the Contempt of Courts Act, 1971.

[8] Accordingly, the contempt petition is disposed of as such while directing the respondents to ensure strict adherence to monitoring of court cases as also filing of replies within the stipulated period of time, seeking extension of time where it is not possible to comply with the orders within the stipulated period of time as also to make every attempt to ensure speedy resolution of the disputes.

[9] *Rule discharged.*

(B.S. Walia)
Judge

11.10.2022
'Amit'

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