

COCP-537-2020

Date of Decision :31.08.2022

Vipin Kumar

...Petitioner

versus

Capt. Manoj, Director of Women and Child Development Department,
Haryana.

....Respondent

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

Present : Mr. MunishBahl, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Order deciding representation dated 26.08.2019, of all the petitioners was passed by the competent authority on 08.01.2020 i.e. beyond the stipulated period of time as allowed vide order Annexure P/2 dated 03.10.2019.

2. Learned counsel for the petitioner states that in view of order adverse to the interest of the petitioner having been passed, he does not press the instant petition but prays for permission to withdraw the same with liberty to challenge order dated 08.01.2020, by way of appropriate proceedings, in accordance with law besides restricting claim of the petitioner to proportionate payment of costs i.e. Rs.863/- on account of non-decision of representation within the period of time stipulated in order Annexure P/2 dated 03.10.2019.

3. Learned DAG, Haryana, has handed over Rs.863/- in cash to learned counsel for the petitioner. Learned counsel for the petitioner,

undertakes to make payment of the same to the petitioner. Since, there

were '29' petitioners, in CWP-28734-2019, but only one out of the said '29' petitioners has filed the instant petition but the order deciding the representation of all the petitioners was passed beyond the stipulated period of time, therefore, the respondent is liable to pay proportionate costs to each of the remaining '28' petitioners.

4. Learned DAG, Haryana, undertakes to remit proportionate costs of Rs.863/- to each of the remaining '28' petitioners in CWP-28734-2019, within four weeks from today, by way of demand draft through registered post. In the light of the position noted above, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner to challenge order dated 08.01.2020, by way of appropriate proceedings, in accordance with law. The respondent shall remit costs in proportion to each of the remaining '28' petitioners, within four weeks from today by way of demand draft through registered post and file compliance report in the Registry within ten days thereafter. In case, the needful is not done within four weeks from today, the Registry is directed to list the matter before the Bench for securing compliance.

5. Rule discharged.

(B.S. Walia)
Judge

31.08.2022
rajesh

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