

Nitya Nand Yadav

...Petitioner

versus

AjitBala Joshi

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Ms. Deepika, Advocate for
Mr. S.K. Yadav, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 20.12.2019, in CWP-37414-2019.

2. A perusal of order Annexure P-1 dated 20.12.2019, reveals that CWP-37414-2019, was disposed of by directing the respondent to consider and decide representation dated 16.12.2019, in accordance with law, after taking into account all aspects of the matter within one week from the date of receipt of certified copy of the order and till such time that decision was not taken on the representation, the petitioner would be allowed to continue at his existing place of posting whereafter continuation on the existing place of posting or joining elsewhere would be subject to the outcome of the decision to be taken by the respondent.

3. At the outset learned counsel for the petitioner states that in view of reply filed, claim of the petitioner as contained in representation dated 16.12.2019, was considered and decided vide order Annexure R/1 dated 19.02.2020, whereafter the petitioner was relieved by the Principal

Government College, Narnaul, on 31.03.2020 and although there was some delay in deciding the representation but the same was neither intentional nor deliberate and further the petitioner was allowed to continue at the existing place of posting till the decision of the representation, thereby no prejudice as such was caused to the petitioner.

4. Learned counsel for the petitioner states that in view of rejection of the representation vide order Annexure R/1 as well as transfer of the petitioner thereafter, the petitioner does not press the instant petition and may be permitted to withdraw the same.

5. I have considered the submissions of learned counsel.

6. Admittedly, order Annexure R/1 has been passed on 19.02.2020 and the same was passed a few weeks beyond the stipulated period of time, yet no prejudice as such was caused to the petitioner in terms of order of this Court Annexure P/1 dated 20.12.2019. The petitioner was allowed to continue at the existing place of posting till the decision on representation Annexure R/1, and he was relieved as per the said order only thereafter on 31.03.2022. Accordingly, in view of the position noted above, I am of the view that no action is called for against the respondent under the Contempt of Courts Act, 1971. Contempt petition is disposed of accordingly.

7. Rule discharged.

(B.S. Walia)
Judge

05.09.2022

rajesh

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