

[126] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

COCN No.368 of 2022

Date of Decision : 28.03.2022

Mubassar Hussain

...Petitioner

versus

J. Ganesan, IAS, Director, Secondary Education,  
Haryana

....Respondent

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

**Present :** Mr. Mohammad Arshad, Advocate for the petitioner.  
Mr. Pawan Longia, DAG, Haryana.

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**B.S. Walia, J.** (Oral)

[1] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India is for initiating action against the respondent for intentional and willful defiance of order (Annexure P-1) dated 07.09.2021 in CWP No.15536 of 2021.

[2] A perusal of order (Annexure P-1) dated 07.09.2021 reveals that CWP No.15536 of 2021 was disposed of by directing the respondent to take a decision on legal notice dated 13.07.2021 within 02 months from the date of receipt of certified copy of the order and since the petitioner had been held entitled for the relief sought, the effect of necessary financial benefits be implemented and in case there was any legal impediment and the relief was to be denied, speaking order be passed and communicated to the petitioner.

[3] Learned counsel contends that the instant petition was filed on account of failure of the respondent to do the needful in terms of order dated 07.09.2021.

Learned State Counsel however has produced speaking order

dated 22.03.2022, rejecting the claim of the petitioner as contained in legal notice dated 13.07.2021 and holding the petitioner not entitled to any financial benefits in compliance of order dated 07.09.2021 in CWP No.15536 of 2021.

[5] Order dated 22.03.2022 is taken on record. Copy thereof supplied to learned counsel for the petitioner, who on perusal thereof states that in the circumstances, the petitioner does not press the instant petition but liberty be granted to the petitioner to challenge order dated 22.03.2022 by way of appropriate proceedings in accordance with law.

[6] I have considered the submission of learned counsel and in view of the position noted above, as well as statement of learned counsel for the petitioner, 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 22.03.2022 by way of appropriate proceedings, in accordance with law.

**(B.S. Walia)**  
**Judge**

28.03.2022  
'Rajneesh'

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