

COCp-801-2020

Date of Decision :23.09.2022

Gulab Singh

...Petitioner

versus

Shatrujeet Kapoor

....Respondent

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

Present : None for the petitioner.

Ms. Perna Malhotra, Advocate and
Mr. Jaskirat Singh, Advocate for
Mr. Prateek Mahajan, Advocate for the respondent.

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 13.11.2019 in CWP-30396-2019.

2. A perusal of order Annexure P/1 reveals that CWP-30396-2019, was disposed of by directing the respondent to consider and decide legal notice dated 04.09.2019, by passing a speaking order within three months, from the date of receipt of certified copy of the order and in case after decision of the same, the petitioner was found entitled to any monetary benefits, to release the same to the petitioner within three months thereafter.

3. Learned counsel appearing on behalf of the respondent refers to reply dated 09.07.2020 and states that in view of speaking order dated 05.02.2020, having been passed, no action under the Contempt of Courts Act, 1971, is called for against the respondent.

4. A perusal of order Annexure R/1 reveals that claim of the petitioner regarding counting of daily wages service rendered by him from 12.01.1979 to 1999 towards qualifying service and extension of service on the basis of letter dated 18.04.2014, was rejected while all financial benefits i.e. ACP, pension, gratuity, commutation of pension, leave encashment, GPF and compensation etc. were recorded as already having been released/paid to the petitioner.

5. None is present on behalf of the petitioner. However, in view of order Annexure R/1, no useful purpose would be served by adjourning the matter.

6. In view 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 Annexure R/1 by way of appropriate proceedings, in accordance with law. Liberty is also granted to the petitioner to move an application for revival of the contempt petition, if cause subsists.

(B.S. Walia)
Judge

23.09.2022

rajesh

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