

COCp-828-2020 (O&M)

Date of Decision :16.08.2022

Kashmir Singh and others

...Petitioners

versus

Rajiv Rattan

....Respondent

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

Present : None for the petitioners.

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 06.11.2019 in CWP-13433-2019.

[2] A perusal of order (Annexure P-1) dated 06.11.2019 reveals that CWP-13433-2019 was disposed of by directing the respondent to consider and decide legal notice dated 16.01.2019 in accordance with law within six weeks from the date of receipt of certified copy of the judgment and in case, on consideration, the competent authority arrived at a conclusion that the request made by the petitioners was admissible, in such eventuality, consequential relief was to be allowed to the petitioners within six weeks thereafter, but in case the competent authority was of the view that the request made by the petitioners was not admissible, in that case a speaking order was required to be passed.

[3] Learned DAG, Haryana, has placed on record copy of order

dated 19.11.2019 rejecting the claim made by the petitioners and states that copy of the aforementioned order has been supplied to learned counsel for the petitioners and that in the circumstances, no further action is called for against the respondent under the Contempt of Courts Act, 1971.

[4] Despite the case having been passed over in the pre lunch session on account of none being present on behalf of the petitioners, none is present on behalf of the petitioners even in the post lunch session.

[5] I have considered the submissions of learned State counsel.

[6] Admittedly, as per order Annexure P-1 dated 06.11.2019, CWP No.13433 of 2019 was disposed of by directing the respondent to consider and decide the claim made in legal notice dated 16.01.2019 in accordance with law within six weeks from the date of receipt of certified copy of the judgment. The claim made in the legal notice dated 16.01.2019 has been decided by the respondent/competent authority i.e. District Education Officer, Karnal vide order dated 19.11.2019. Copy thereof has already been supplied to learned counsel for the petitioners but despite the case having been called out twice, none is present on behalf of the petitioners. It appears that in the circumstances, the petitioners are not interested in pursuing the instant petition. Accordingly, in view of the position noted above, no action is called for against the respondent under the Contempt of Courts Act, 1971.

[7] Accordingly, the contempt petition is *disposed of* as such while granting liberty to the petitioners to challenge order dated 19.11.2019 by way of appropriate proceedings in accordance with law.

COCp-828-2020 (O&M) [3]

[8] Rule discharged.

(B.S. Walia)
Judge

16.08.2022
amit

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