

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

COCp-1094-2021

Date of Decision : 22.02.2022

Brahma Nand

...Petitioner

versus

J Ganesan , IAS

....Respondent

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

Present : Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

B.S. Walia, J.(VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 10 and 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondent for intentional and willful defiance of order (Annexure P-1) dated 23.09.2020 in CWP No.10490 of 2020.

[3] A perusal of order (Annexure P-1) dated 23.09.2020 reveals that CWP No.10490 of 2020 was disposed of by directing the official respondents to consider and decide the representation of the petitioner dated 16.03.2020 in the light of the Mewat District Education Group-B Rules, 2012 and the law by passing a speaking order preferably within three months from the date of receipt of certified copy of the order.

[4] Learned counsel contends that the respondent has passed order dated 05.08.2021 rejecting the claim of the petitioner, therefore, in

petition and the same may be disposed of as such while granting liberty to the petitioner to challenge order dated 05.08.2021 by way of appropriate proceedings in accordance with law.

[5] Learned DAG contends that non compliance with order dated 23.09.2020 in CWP No.10490 of 2020 within the stipulated period of time was not intentional but on account of circumstances prevailing due to lockdown during the pandemic. Learned DAG contends that in view of order dated 05.08.2021 having been passed, in terms of order, Annexure P-1, dated 23.09.2020 in CWP No.10490 of 2020, the contempt petition be disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971.

[6] I have considered the submissions of learned counsel.

[7] Admittedly, order dated 05.08.2021 has been passed in compliance of order dated 23.09.2020 in CWP No.10490 of 2020 though belatedly. However, taking into account the circumstances prevailing on account of corona virus pandemic as well as lockdown for some period, besides, the statement of learned counsel for the petitioner, the contempt petition is disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to challenge order dated 05.08.2021 by way of appropriate proceedings in accordance with law.

[8] Rule discharged.

(B.S. Walia)
Judge

22.02.2022

ps