

COCp-978-2022(O&M)

Date of Decision : 15.09.2022

Rajbir Singh

...Petitioner

versus

Devinder Singh and another

....Respondents

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

Present : Mr. Sandeep Sharma, 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 11.01.2021 in CWP-22475-2020.

2. A perusal of order Annexure P-1 dated 11.01.2021 reveals that CWP-22475-2020 was filed by the petitioner therein for the issuance of directions to the State to consider representation submitted by the petitioner before taking any action on the basis of newspaper reports etc. but during the pendency of the petition, suspension order was passed against said petitioner on 08.01.2021. The learned Single Judge allowed the writ petition by taking into account that the apprehension of the petitioner had come true on account of the respondent authority having passed the suspension order without even considering the representation, and without realizing that said petitioner could be a victim of mala fides on account of the complaint filed by the accused (i.e. the petitioner herein). Accordingly, suspension order dated 08.01.2021 passed against the petitioner of CWP-22475-2020

independently. The petitioner in the instant petition is the accused as is referred to in the decision of CWP-22475-2020 in respect of whom the learned Single Judge had observed that the petitioner in the said writ petition could be a victim of mala fides on account of complaint filed by the accused (i.e. the petitioner herein). The competency of the petitioner herein to file the instant petition has been opposed by the learned DAG, who contends that the petitioner herein is an accused in FIR No.411 dated 28.08.2018 under Section 420 IPC in which the petitioner of CWP-22475-2020 was a witness on behalf of the Department as a Naib Tehsildar and the petitioner herein has instituted the instant petition on wholly oblique and extraneous consideration.

4. Be that as it may, learned DAG assures that action, if any, warranted in accordance with law in terms of decision Annexure P-1 dated 11.01.2021 in CWP-22475-2020 would be taken by the competent Authority.

5. In view of the position noted above as well as statement of learned DAG, I am of the considered view that no case for initiating proceedings under the Contempt of Courts Act, 1971 is made out. The contempt petition is accordingly dismissed.

(B.S. Walia)
Judge

15.09.2022

ps

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>