

COCp-1445-2022

Date of Decision :16.08.2022

KULDEEP SHARMA

...Petitioner

Versus

S BHOUPAL SINGH KHADRI, CHAIRMAN, HSSC,  
PANCHKULA

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Farukh Abdullah, Advocate for the petitioner.  
Mr. Manish Dadwal, AAG, Haryana.

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**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 13.05.2022 in CWP No.10181 of 2022.

[2] A perusal of order, Annexure P/1 reveals that CWP No.10181 of 2022 was disposed of by directing the respondent to decide representation dated 24.12.2021 filed by the petitioner in accordance with law within four weeks from the date of receipt of certified copy of the order and convey the decision to the petitioner and in case of failure to do the same, the officer responsible for the lapse would be liable to pay costs of Rs.20,000/- from his personal pocket, to be deposited in the Punjab and Haryana High Court Advocates Welfare Fund.

[3] Learned AAG has produced copy of order dated 25.07.2022 in Court today. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner, who on perusal thereof states that in the circumstances, the petitioner is not interested in pursuing the instant

petition and may be permitted to withdraw the same with liberty to the petitioner to challenge order dated 25.07.2022 by way of appropriate proceedings in accordance with law.

[4] I have considered the submissions of learned counsel for the parties.

[5] Learned counsel for the parties have not been able to show from the record the date on which certified copy of the order, Annexure P/1 dated 13.05.2022 was supplied to the respondent. In the absence of there being any material on record to show the date on which the certified copy of the order, Annexure P/1 was supplied to the respondent leading to passing of order dated 25.07.2022 which admittedly is four weeks beyond 13.05.2022, the respondent cannot be held liable to pay costs of Rs.20,000/-.

[6] Accordingly, in view of the position noted above as well as the statement of learned counsel for the petitioner, the contempt 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 as prayed for.

(B.S. Walia)  
Judge

16.08.2022  
'Amit'

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