

SHIV KUMAR

...Petitioner

Versus

DALJIT SINGH, HCS

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Mandeep Singh Lamba, Advocate for
Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, 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 28.04.2022 in CWP No.8131 of 2022.

[2] A perusal of order, Annexure P/1 reveals that CWP No.8131 of 2022 was disposed of by directing the respondent to treat the writ petition as a representation and decide the same within one month from the date of receipt of certified copy of the order in accordance with law 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] Although notice has yet not been issued in the instant case, learned AAG has produced copy of order dated 29.07.2022 rejecting the claim of the petitioner. The same is taken on record. Copy thereof

supplied to learned counsel for the petitioner, who on perusal of

the same states that he does not press the instant petition and may be permitted to withdraw the same with liberty to the petitioner to challenge order dated 29.07.2022 by way of appropriate proceedings in accordance with law.

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

[5] Admittedly, CWP No.8131 of 2022 was disposed of by directing the respondent to treat the writ petition as a representation and decide the same within one month from the date of receipt of certified copy of the order failing which officer responsible for the lapse would be liable to pay costs of Rs.20,000/-. Despite, query, learned counsel for the parties have not been able to show from the record the date on which certified copy of the order was supplied to the respondent/received by the respondent, therefore, in the circumstances, no further action is called for in the instant case against the respondent under the Contempt of Courts Act, 1971.

[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 while granting liberty to the petitioner to challenge order dated 29.07.2022 by way of appropriate proceedings in accordance with law.

(B.S. Walia)
Judge

16.08.2022

'Amit'

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