

COC-1937-2021

Date of Decision :21.02.2022

Virender Kumar

...Petitioner

Versus

Isha Kamboj, Secretary, HSSC

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Rakesh Nagpal, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (ORAL)

[1] Prayer is for initiating action against the respondent under the Contempt of Courts Act, 1971 for intentional and willful defiance of order Annexure P/1 dated 27.04.2021, in CWP No.7517 of 2021.

[2] A perusal of order, Annexure P/1 dated 27.04.2021 reveals that CWP No.7517 of 2021 was disposed of by directing the respondent to consider and decide representation dated 22.03.2021 submitted by the petitioner in accordance with law/relevant rules, by passing a speaking order within one month from the date of receipt of certified copy of the order.

[3] Reply has already been filed.

[4] At the outset, learned counsel for the petitioner contends that pursuant to the filing of the contempt petition, the respondent has taken a decision vide order, Annexure R/1 dated 26.09.2021 on the claim of the petitioner as contained in representation dated 22.03.2021 in terms of orders, Annexure P/1 dated 27.04.2021 in CWP No.7517 of 2021, therefore, the petitioner is not interested in pursuing the contempt petition

and the same may be disposed of as such.

[5] Learned DAG states that decision could not be taken earlier due to circumstances prevailing on account of the Corona Virus Pandemic but in view of orders, Annexure P/1 dated 27.04.2021 having been complied with and the representation of the petitioner dated 22.03.2021 having been decided, no action under the Contempt of Courts Act, 1971 be taken against the respondent.

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

[7] Admittedly, in terms of orders, Annexure P/1 dated 27.04.2021 in CWP No.7517 of 2021, the claim of the petitioner as contained in representation dated 22.03.2021 has been decided, though not within the stipulated period of time. However, taking into account the explanation given by learned DAG as well as 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 directing that in future it should be ensured that orders of the High Court are complied within the stipulated period of time and in case of inability to take a decision within the stipulated period of time, extension of time be obtained from the Court whose orders are claimed to have been violated.

[8] Rule discharged.

(B.S. Walia)
Judge

21.02.2022

'Amit'

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