

COCp-1534-2022

Date of Decision :26.08.2022

Surender Bhati

...Petitioner

versus

Anshraj Singh, IAS

....Respondent

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

Present : Mr.Nafeesh Ahmed, 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-2, dated 05.01.2022, in CWP-26613-2021.

2. A perusal of order Annexure P-2 dated 05.01.2022, reveals that CWP-26613-2021, was disposed of by directing the respondent herein to decide legal notice dated 18.10.2021, in accordance with law, by passing a speaking order within eight weeks from the date of receipt of certified copy of the order.

3. On 23.08.2022, in view of the plea of the petitioner of his being entitled to be compensated by award of costs, on account of having been compelled to file the instant petition for securing compliance of order dated 05.01.2022 and only thereafter order having been passed by the respondent on 10.08.2022, learned DAG, Haryana, had requested for time to argue the matter.

4. Today, learned DAG, Haryana, on the basis of

communication from the office of the Additional Director Administration for Director Elementary Education, Haryana, Panchkula, contends that there is no intentional delay on the part of the respondent-department as before passing order dated 10.08.2022, the department ensured adherence to the principle of natural justice while deciding the claim contained in legal notice dated 18.10.2021, as directed vide order Annexure P/2 dated 05.01.2022, in CWP-26613-2021, by granting personal hearing to the petitioner on 28.03.2022, 06.04.2022 and 13.04.2022. However, the petitioner remained absent on 28.03.2022 and 06.04.2022, whereafter the parties were heard through video conferencing on 13.04.2022 and both the parties were directed to submit the relevant record in respect of their stand and on receipt of the same, the relevant record was verified, whereafter, speaking order dated 10.08.2022, was passed. Communication from the office of the Additional Director Administration for Director Elementary Education, Haryana, Panchkula, to the Advocate General is taken on record and copy thereof supplied to learned counsel for the petitioner.

5. Learned counsel for the petitioner does not dispute the aforementioned position. Learned DAG, Haryana, contends that in the circumstances there is no willful disobedience on the part of the department.

6. I have considered the submission of learned counsel for the parties and in the light of explanation given vide communication sent to the office of Advocate General, Haryana, vide memo No.76-2022-PS(E-1)

dated 10.08.2022, I am of the considered view that on account of orders

dated 10.08.2022, having been passed in terms of order dated 05.01.2022, in CWP-26613-2021, after complying with the principle of natural justice, no action under the Contempt of Courts Act, 1971, is called for against the respondent. Accordingly, while disposing of the instant petition as such, liberty is granted to the petitioner to challenge order dated 10.08.2022, by way of appropriate proceedings, in accordance with law.

(B.S. Walia)
Judge

26.08.2022
rajesh

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