

COCp-1608-2022

Date of Decision :31.08.2022

Suresh Kumar Garg and others

...Petitioners

versus

Dhirendra Kumar Tiwari and anr.

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Risham Raag Singh, Advocate for Mr. Ranjivan Singh,
Advocate for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order Annexure P-1, dated 13.07.2021 in CWP-12460-2021.

2. A perusal of order Annexure P-1 dated 13.07.2021 reveals that CWP-12460-2021 was disposed of by directing the official respondents to consider legal notice dated 12.09.2020 and decide the claim of the petitioners contained therein in accordance with law by passing a speaking order preferably within one month from the date of receipt of certified copy of the order.

3. Learned AAG, has filed affidavit of respondent No.1 alongwith speaking order Annexure R-1 dated 30.08.2022 and by referring to the contents of paragraph Nos.2 and 3 of the affidavit contends that out of 17 petitioners, 15 petitioners have been granted the

Proficiency Step up on completion of 4, 9, 14 years and details of the

same have been given in Annexure R-1 while the case of petitioner Nos. 5 & 9 was under process and they would also be granted in due course of time and the delay in processing the case of the remaining two petitioners was on account of non availability of service Book of petitioner No. 5 as the same has to be collected from the office of the Accountant General Punjab where it was sent for finalization of pension case at the time of retirement of petitioner No. 5 while service book of petitioner No.9 is being collected from different Divisions where he remained posted and the moment the service books of both the petitioners are received, petitioner Nos. 5 & 9 shall also be granted the relief.

4. Learned counsel for the petitioners states that in the circumstances, he does not press the instant petition but respondent No.1 be directed to do the needful in a time bound manner and grant proficiency step up to petitioner Nos.5 and 9 in a stipulated period of time.

5. Learned State counsel assures that needful would be done and service books of petitioner Nos.5 and 9 obtained at the earliest and orders in respect of claim of the petitioners passed thereto expeditiously.

6. In view of the position noted above, as well as statement of learned counsel for the parties, the instant petition is *disposed of* as not calling for any action against respondent No.1 under the Contempt of Courts Act, 1971 while directing respondent No.1 to do the needful by obtaining service books of petitioner Nos.5 and 9 expeditiously and to pass orders and give relief to them as per entitlement within two months from today.

7. Needless to mention, in case the needful is not done within the stipulated period of time, the petitioners would be at liberty to move an application for revival of the contempt petition.
8. Rule discharged.

(B.S. Walia)
Judge

31.08.2022
ps

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