

[144-2] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.2125 of 2022

Date of Decision :28.09.2022

Vinod Saharan

...Petitioner

versus

Mahesh Madaan, Chief Engineer, PWD B&R
Department, Govt. of Haryana and others

....Respondents

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

Present : Ms. Vibha Nagar, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiation of proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 22.07.2022, in CWP No.15731 of 2022 in case titled as '**Vinod Saharan**versus**State of Haryana and others**'.

[2] A perusal of order (Annexure P-1) reveals that CWP No.15731 of 2022 was disposed of by directing the respondents to consider and decide pending legal notice dated 09.06.2022 in accordance with law, preferably within one month from the date of receipt of certified copy of the order and if the claim of the petitioner was established with reference to the record, then payment was ordered to be released to the petitioner forthwith.

[3] Learned counsel contends that although the respondents have passed speaking order (Annexure P-2) dated 09.09.2022, yet the same is not in accordance with order (Annexure P-1).

[4] A perusal of speaking order (Annexure P-2) dated 09.09.2022, reveals that no approval was taken by the Engineer Incharge

for the work in question from the competent authority therefore the claim of extra material used in road without taking prior approval from the authority was treated as not sustainable in law and further that the competent authority would be approached for post facto approval and only after getting approval of the authority, the claim of the petitioner would be considered for payment and that in the circumstances, the final claim of the agency was not maintainable at this stage.

[5] Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the instant petition with liberty to challenge order (Annexure P-2) dated 09.09.2022 by way of appropriate proceedings, in accordance with law.

[6] In view of the position noted above, as well as statement of learned counsel of the petitioner, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

28.09.2022

'Rajneesh'

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