

[114] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-2761-2021

Date of Decision : 09.02.2022

Tarjit Singh

...Petitioner

versus

Hoveyda Abbas and another

....Respondents

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

Present : Mr. Vikas Cuccria, Advocate for the petitioner.
Ms. Deepali Puri, Addl. AG, Punjab.
Mr. Abhimanyu Sekhon, Advocate for respondent No.1.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondents for intentional and willful defiance of orders dated 06.04.2021 in CWP No.4561 of 2021 and CWP No.5861 of 2021 in case titled as 'Nanak Singh Longia and others versus State of Punjab and others'.

[3] Learned counsel contends that operation of orders on the basis of which recovery had been ordered from the pension of the petitioners had been stayed vide order (Annexure P-1) dated 06.04.2021 and the instant petition was filed on account of failure of the respondent to comply with orders dated 06.04.2021 not to make recovery from the pension of the petitioner.

[5] However, on the last date i.e. 02.02.2022, learned Addl. Advocate General, Punjab, had taken time to obtain instructions and to assist in the matter.

[6] Today, compliance report has been filed in Court, indicating that the orders could not be complied with due to communication gap at the level of the bank from where the pension was being released but assurance has been held out that the recovery which has been made would be refunded by the bank-concerned to the petitioner along with the pension payable to the petitioner for the month of February, 2022 and that in future, it would be ensured that there was strict adherence to orders dated 06.04.2021 in CWP No.4561 of 2021 and CWP No.5861 of 2021. Respondent No.2 has also tendered an unqualified and unconditional apology.

[7] Faced with the aforementioned position, learned counsel for the petitioner states that in view of non-compliance of the orders being in the circumstances as noted above, as well as the respondents having expressed regrets and agreed to make amends and to refund the recovery as made to the petitioner along with the pension payable for the month of February, 2022 and further in view of assurance to ensure adherence to orders dated 06.04.2021 during the pendency of CWP Nos.4561 of 2021 and CWP No.5861 of 2021, the petitioner is not interested in pursuing the instant petition and the same may be disposed of, as such, while directing the respondents to adhere to the assurance held out by them.

[8] I have considered the submissions of learned counsel for the parties and perused the record.

[9] Respondents have filed compliance report, indicating that non-compliance with orders dated 06.04.2021 in CWP Nos.4561 of 2021 and CWP No.5861 of 2021 took place on account of communication gap at the end of the bank from where the pension was being released to the petitioner. The respondents have also attached copy of the e-mail received from the bank to the above effect besides, have tendered unconditional apology and have also assured to refund the recovery made from the pension of the petitioner to the petitioner in the pension payable for the month of February, 2022 and have also assured to ensure adherence to orders dated 06.04.2021 in CWP Nos.4561 of 2021 and CWP No.5861 of 2021 during the pendency of the aforesaid writ petitions.

[10] Accordingly, in the circumstances, I am of the view that no action under the Contempt of Courts Act, 1971 is called for against the respondents. Contempt petition is accordingly *disposed of*, as such. However, respondents are directed to ensure that the needful is done and that the recovery made from pension of the petitioner till date is deposited in the account of the petitioner along with the pension for the month of February, 2022 on the due date for payment of pension and further that orders dated 06.04.2021 in CWP Nos.4561 of 2021 and CWP No.5861 of 2021 are adhered to during the pendency of the aforesaid writ petitions.

[11] Needless to mention, in case the needful is not done, the petitioner would be at liberty to move an application for revival of the

the matter.

(B.S. Walia)
Judge

09.02.2022
'Rajneesh'

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