

**157 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCP-2517-2022 (O&M)

Date of decision: 18.11.2022

Parminder Kaur

...Petitioner

Versus

Ms. Nitika Pawar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Dadwal, Advocate for the petitioner
Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

This is the petitioner's second petition with a request to initiate proceedings against the respondents, under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India. The petitioner's civil writ petition i.e CWP-633-2022 was disposed of on 01.02.2022, with the following directions:-

“Upon hearing learned counsel of both the sides and on perusal of the records, the present petition stands disposed off with the directions to the official respondents to consider the representation dated 10.03.2020 (Annexure P-3) and legal notice dated 14.12.2021 (Annexure P-4) as representation moved by the petitioner and decide the same in accordance with law, by passing a speaking order preferably within a period of one month from the date of receipt of the certified copy of this order.

If found entitled and if there is no impediment for the relief, the same be granted to the petitioner without any delay, as per law.”

Complaining wilful violation of the above order, the petitioner filed COCP-1456-2022, which was disposed of on 27.07.2022, on the assertions of the learned State counsel that the order shall be complied with within a period of 4 weeks from 27.07.2022.

Once again, the petitioner has filed a contempt petition stating that no order has been passed.

On the other hand, learned State counsel, on instructions from Ms.Indu Bala, Department Social Security, Women and Child Division, has submitted that in fact an order has been passed but it is yet to be signed by the competent authority. It appears that the Officer is taking the directions of the Court in a very casual manner. On 01.02.2022, the direction was to pass a speaking order, preferably within a period of one month, from the date of receipt of a certified copy of the order. On 27.07.2022, the Officer undertook to pass a speaking order within a period of 4 weeks i.e upto 4th week of August, 2022. Now, even after a period of nearly 4 months, the order still has not been complied with despite an undertaking having been given before the Court. Hence, while disposing of the contempt petition, the concerned Officer is burdened with a cost of Rs.50,000/-, which shall be recovered from his personal pay. The State Government is debarred from reimbursing the amount of cost to the concerned Officer.

All the pending miscellaneous applications, if any, are also disposed of.

18.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE