

Shashi Kapoor

...Petitioner

Versus

K.K. Kataria

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent: Mr. Rakesh Nagpal, Advocate
for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiation of proceedings against the respondent for intentional and willful defiance of order Annexure P/1 dated 14.02.2020, in CWP-26929-2016.

2. A perusal of order Annexure P/1 reveals that CWP-26929-2016, was allowed, impugned order dated 27.10.2016 and 21.11.2016 were quashed and the respondent directed to consider the case of the petitioner for regularization of service in view of the decision in Ajit Singh vs. State of Haryana and others, CWP-9708-2004, decided on 04.02.2015 besides, notification/policy dated 01.10.2003, without insisting on the requirement of the petitioner being in service from 31.01.1996 with needful to be done within three months from the date of receipt of certified copy of the order.

3. Learned counsel contends that despite expiry of period of time stipulated in order Annexure P/1, needful has not been done till date, therefore, the respondent is liable to be punished under the Contempt of Courts Act, 1971, besides the petitioner entitled to award of exemplary costs

4. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him, besides

costs as prayed for be not awarded in favour of the petitioner.

5. Mr. Pawan Kumar Longia, DAG, Haryana, accepts notice on behalf of the respondent and on telephonic instructions from the respondent while expressing regret on account of needful not having been done on account of circumstances beyond the control of the respondent states that in case some time is granted, needful would be done in terms of Annexure P/1. The statement of learned DAG, Haryana, is taken on record.

6. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the instant petition but prays for issuance of directions to the respondent to adhere to the assurance held out by him through the learned State Counsel and to do the needful in terms of order Annexure P/1, within such time as is granted by this Court.

7. 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 the respondent under the Contempt of Courts Act, 1971, while directing the respondent to ensure adherence to the undertaking given on his behalf by the learned State Counsel in terms of Annexure P/1, within four weeks from date of receipt of certified copy of the order. However, in case needful is not done in terms of order Annexure P/1 in the manner indicated above, the respondent apart from being liable to action under the Contempt of Courts Act, 1971 shall pay costs of Rs.25,000/- to the petitioner.

8. Rule discharged.

02.12.2022
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(B.S. Walia)

Judge

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