2023:PHHC:059241

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3344-2017
Reserved on : April 13, 2023
Date of Pronouncement : April 24, 2023

Krishan Kumar

.....Petitioner

Vs.

Neelam Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashu Kaushik, Advocate
for the petitioner.

Mr. M.L. Saggar, Senior Advocate with
Mr. Vipul Aggarwal, Advocate
Mr. Armaan Saggar, Advocate and
Mr. Rohit Joshi, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J.

The petitioner alleges the violation of the order dated 27.9.2017 passed by the writ Court in CWP-8633-2017 vide which it was directed that the respondent will pass an order regarding permission to the petitioner to withdraw Rs.5,00,000/- from his GPF account for the purpose of marriage of his daughter fixed for 28.11.2017.

The counsel for the petitioner submits that by raising false and frivolous objections, the case of the petitioner was neither

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considered nor he was permitted to withdraw Rs.5,00,000/- from the GPF Account.

It is worth noticing that the Co-ordinate Bench vide order dated 1.6.2018 has observed that this Court is not convinced with the pleas raised by the contemnor, with further observation that if this Court finds explanation offered by the respondent in the affidavit totally unconvincing and bald and his conduct remained audacious, the Court will be left with no other option but to hold guilty of contempt.

In pursuance of the order dated 6.1.2023, fresh affidavit of the officer-respondent is filed.

As per the affidavit, an explanation is given that the orders dated 3.1.2017 and 3.2.2017 were passed by the predecessor of the deponent, who was the then Assistant Commissioner, Income Tax Circle (Admn.), Patiala and the respondent joined subsequently in July, 2017.

It is stated that the application filed by the petitioner was submitted before the respondent on 16.10.2017 in which the petitioner has submitted the two wedding cards of the marriage of his daughter fixed for 28.11.2017 and because of the discrepancy, the petitioner was directed to meet the respondent and in the intervening period there were Diwali holidays.

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It is further stated that the petitioner met the respondent in her office on 06.11.2017 and explained discrepancy in the wedding cards and, thereafter, the deponent on the next day, i.e. 07.11.2017 recommended the withdrawal of GPF amount forwarded it to the sanctioning authority so that the same may be released and on 13.11.2017, the Principal Commissioner of Income Tax (Sanctioning authority), Patiala passed the order to release of the amount.

It is submitted that the contempt petition was also filed on the day, i.e. 13.11.2017 and was for the first time listed on 14.11.2017 and before that day, the respondent being recommending authority, made recommendations on 07.11.2017 and the sanctioning authority has also granted the sanction and released amount on 13.11.2017. Therefore, there is no willful disobedience.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

April 24, 2023
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO

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