



COC-3059-2024

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

(163)

COC-3059-2024

Date of Decision: 24.09.2024

Mohinder Pal

.....Petitioner

Versus

Kap Sinha IAS Financial Commissioner Revenue and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Ashu Rana, Advocate, for
Ms. Nisha Rana, Advocate, for the petitioner.

Mr. Manbir Singh Baath, Advocate, for the respondents.

HARKESH MANUJA, J.(ORAL)

1. By way of present petition filed under Sections 11 & 12 of the Contempt of Courts Act, 1971, prayer has been made for initiating contempt proceedings against the respondents for alleged willful non-compliance of the Order dated 21.07.2022 (Annexure P-1) passed by this Court in CWP-8804-2022.

2. Operative part of the order dated 21.07.2022 is extracted hereunder:

“Consequently, without making any comment whatsoever on the actual merits of the case, petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the representation dated 20.05.2019 (Annexure P-8), within a period of two months from the date of receipt of a certified copy of this order, by passing a speaking order after hearing the petitioner.”

3. Learned counsel for the respondents has produced an order dated



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23.09.2024 passed the Chairman, rejecting the claim of the petitioner. Petitioner shall be at liberty to challenge the speaking order availing his remedy available in law. In the given facts and circumstances, wherein a specific and categorical direction was issued by this Court vide order dated 21.07.2022 passed in the aforementioned writ petition for deciding the representation submitted by the petitioner within a period of 2 months from the date of receipt of a certified copy of that order, despite the fact that the copy of the order was served upon the respondents in the month of September, 2022, no speaking order was passed for a period of almost two years. Faced with this, petitioner approached this Court by way of filing present contempt petition, wherein notice was issued on 02.09.2024, in this manner, the respondents took more than two years for making compliance of the directions issued by this Court with respect to mere consideration of representation made by the petitioner.

4. Furthermore, the respondents even compelled the petitioner to approach this Court for the purpose of filing the present contempt petition. A perusal of paper book also shows that all necessary documents required by the respondents were furnished by the petitioner in March, 22, however, still his claim was never considered till he approached this Court by way of filing the present contempt petition.

5. In these circumstances, the conduct of the respondents clearly reflects willful non-compliance of the orders passed by this Court. In such circumstances, a costs of Rs.25,000/- is saddled upon respondent No.3 towards litigation expenses payable to the petitioner. The costs shall be paid by respondent No.3 from his own pocket and the same shall be released in favour of petitioner within a period of 2 weeks from today. In case of non-



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compliance, petitioner shall be at liberty to approach this Court again seeking revival of the present petition and in any such eventuality, respondents shall be liable to pay additional costs of Rs.50,000/- to the petitioner. It is also clear that respondent No.3 shall also be at liberty to hold inquiry about the delay in compliance of the order.

6. Rule stands discharged.

(HARKESH MANUJA)
JUDGE

24.09.2024

anil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No