

COCP-2644-2021

Date of Decision :11.07.2022

Vidya Bhushan ...Petitioner

versus

Arun Sehkhri, IAS and othersRespondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Ms. Sharon Raju, Advocate for
Mr. Amit Sharma, Advocate for the petitioner.

Mr. Vikas Singh, Advocate for respondent No.2.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 09.09.2021, in CWP-21960-2020.

2. A perusal of order Annexure P-1 dated 09.09.2021, reveals that CWP-21960-2020, was disposed of by passing the following order:-

“(i) the petitioner would submit a comprehensive representation taking all the pleas supported by rules/law on the point within 10 days from today.

(ii) respondent No.1 is directed to consider the pleas raised in the representation(s) and pass a speaking order.

(iii) it is directed that the case of the petitioner for promotion be considered and in case the petitioner is found entitled for promotion, necessary consequential orders be passed within one week thereof.

(iv) the exercise of consideration of the petitioner's case for promotion, in accordance with law, be completed within 2 months from today.”

3. Learned counsel appearing on behalf of the respondents refers to reply dated 20.01.2022, to contend that representation dated 15.09.2021, was considered and decided by the Managing Director, MARKFED, in terms of orders of this Court dated 09.09.2021 and order Annexure P/14 dated 17.11.2021, has been passed, therefore, there is no disobedience much less willful and intentional disobedience. Learned counsel for respondent No.2 further points out that the petitioner moved CM-18945-CWP-2021 for revival of CWP-21960-2020 but the said CM was disposed of vide order dated 21.12.2021, by observing that pursuant to order dated 09.09.2021, in CWP-21960-2020, the petitioner approached the respondent with a representation, upon which, order Annexure P/14 dated 17.11.2021 had been passed and if the petitioner was aggrieved, it would always be open to him to challenge said decision.

4. Learned counsel for respondent No.2 further states that order Annexure P/14 dated 17.11.2021, has already been challenged by the petitioner by way of CWP-226-2022, after the dismissal of CM-18945-CWP-2021, vide order dated 21.12.2021 and that in the circumstances, no case for proceeding under the Contempt of Courts Act, 1971, is made out.

5. None is present on behalf of the petitioner. At this stage, Ms. Sharon Raju, Advocate, appears and states that she has been asked by a staff member from the office of the counsel for the petitioner to seek an adjournment on account of the counsel having gone out of station. The same is vehemently opposed to by the learned counsel for respondent No.2, by contending that neither any adjournment slip has been attached

nor any intimation given to him. I have considered the request for adjournment but do not find any justifiable reason for adjourning the case.

6. Accordingly, on considering the submissions of learned counsel for respondent No. 2 and perusing the record, I am of the view that admittedly, CWP-21960-2020, was disposed of vide order Annexure P/1 dated 09.09.2021, by granting liberty to the petitioner to submit a comprehensive representation and respondent No.2 was directed to consider and decide the same in accordance with law by taking into consideration all the plea raised therein and to pass a speaking order. The petitioner challenged the rejection of his claim pursuant to consideration of representation in terms of order Annexure P/1 dated 09.09.2021, by way of CM-18945-CWP-2021, which was dismissed vide order dated 21.12.2021, while granting liberty to the petitioner to challenge the same in accordance with law. Pursuant thereto, the petitioner filed CWP-226-2022, challenging the rejection of his representation. In the circumstances, no case is made out for proceeding against the respondents under the Contempt of Courts Act, 1971. Contempt petition is accordingly disposed of as such.

(B.S. Walia)
Judge

11.07.2022

rajesh

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