
(2010) 03 JH CK 0071
In the Jharkhand High Court

Abdul Hakim and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 15-03-2010

Acts Referred:

Citation : (2010) 03 JH CK 0071

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—The present petition has been preferred mainly for the reason that the decision given by this Court, dated 19th May, 2009 in W.P. (S) No. 1060 of 2009, has not been complied with.

2. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, it appears that:

(i) In W.P. (S) No. 1060 of 2009, it has been directed by this Court while finally disposing the aforesaid writ petition vide order dated 19th May, 2009, especially in Paragraph No. 3 which reads as under:

Having heard learned Counsels for both the sides and looking to the facts and circumstances of the case, I hereby, direct respondent No. 3 to treat this writ petition as representation and will decide the same in accordance with law, rules, regulations, policy and enforceable Government order applicable to the petitioners, after giving an adequate opportunity of being heard to the petitioners or to the representative of the petitioners, as early as possible and practicable, preferably within a period of sixteen weeks from the date of receipt of a copy of the order of this Court.

In view of the aforesaid decision, a direction was given that the respondents of the said writ petition should decide the representation, on merits, and in accordance with law, preferably within a period of sixteen weeks.

(ii) Looking to the affidavit, filed by the respondents, it appears that the respondents have taken a decision on 25th February, 2009, which is at Annexure-A to the Supplementary counter-affidavit, the said decision is, on merits and a detailed speaking order has been passed by Respondent No. 3. Learned counsel for the petitioner has submitted that the aforesaid decision has not been taken in time and, therefore, there is a contempt.

(iii) In view of the aforesaid direction, it appears that preferably within a period of sixteen weeks, decision was to be taken from 19th May, 2009. Looking to the facts, it appears that there is some delay in taking a decision, but, looking to the affidavit, filed before this Court, it appears that they were awaiting for personal hearing, which was given to the petitioner, who has never turned up before the concerned respondent-authority. Ultimately, direction was given by this Court that decision ought to be taken even if the petitioner is not coming for personal hearing.

3. Looking to the aforesaid facts, there is some delay in deciding the matters. Thus, it cannot be said that there is willful disobedience of the order, passed by this Court, dated 19th May, 2009 in W.P. (S) No. 1060 of 2009. It ought to be kept in mind that all violations of the order, passed by this Court is not contempt. Especially, when the decision has already been taken by Respondent No. 3, dated 25th February, 2010.

4. Hence, there is no substance in the Cont. Application and the same is hereby, dismissed.