
(2020) 07 SHI CK 0316
In the High Court Of Himachal Pradesh
Case No : COPC No. 531 Of 2020

Om Prakash	Vs	APPELLANT
Anil Sharma		RESPONDENT

Date of Decision : 08-07-2020

Acts Referred:

Citation : (2020) 07 SHI CK 0316

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : V.D. Khidtta, Sudhir Bhatnagar, Kunal Thakur

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of present contempt petition, prayer has been made on behalf of the petitioner for initiation of contempt proceedings against the respondent for having willfully and intentionally disobeyed the interim order dated 27.8.2018, passed by the Erstwhile HP State Administrative Tribunal in OA No. 5095 of 2018, whereby the Tribunal below while calling for the reply from the respondents stayed the recovery, if any, from the applicant pursuant to impugned communication dated 7.8.2018.

2. Precisely, grouse of the petitioner is that despite there being restraint order passed on 27.8.2018, respondents proceeded to effect recovery from his pay in terms of communication dated 7.8.2018 and as such, appropriate action in accordance with law be taken against them.

3. Having heard learned Additional Advocate General and perused reply filed on behalf of the respondent, this Court finds that factum with regard to passing of order dated 27.8.2018, was not in the knowledge of the respondents when recovery was effected from the pay of the petitioner in terms of communication dated 7.8.2018. It has been categorically stated in the reply that petitioner

furnished copy of order dated 27.8.2018 in the office of the respondents on 4.9.2018 at 3:45 PM. Similarly, it has been further stated in the reply that respondent did not receive any copy of order dated 27.8.2018 till 30.8.2018, from the office of Advocate General.

4. Having perused explanation rendered in the aforesaid reply, this Court does not find action of the respondent to be contumacious and deems it proper to close the proceedings. Ordered accordingly. Notice issued to respondent is discharged at this stage. However Registry is directed to list the main case for hearing before this Court in the first week of August, 2020.