

CLCON No. 390 of 2020

Hon'ble Sharad Kumar Sharma, J.

(Via Video Conferencing)

Mr. Ashish Joshi, Advocate for the appellants.

The present contempt petition has been filed by the petitioner seeking compliance of the judgment dated 08.05.2018, as passed in Writ Petition (S/S) No. 2512 of 2015 'Vijendra Singh vs. State of Uttarakhand and Others'. By virtue of the said judgment, the Court has disposed of the writ petition directing the respondent to consider and pass an appropriate order within a period of ten weeks, from the date of the order itself; that means this ten weeks would be construed from 08.05.2018, itself but, however, the contempt petition itself reflects that the copy of this order dated 08.05.2018 was served upon the respondent, according to the petitioner's case himself, on 28.08.2019, i.e. almost after one year of passing of the order. When the contempt petition was filed, the Registry has reported that the contempt is barred by Section 20 of the Contempt of Courts Act of 1971.

This Court has consistently drawn a view that the provisions contained under Section 20, itself creates a restriction on drawing of the proceedings of the contempt beyond the period of one year as provided therein; since here the contempt has been preferred as against the judgment of 08.05.2018, which had directed to decide the matter within a period of ten weeks from the said date, that has expired much prior in time, and the diligence of the petitioner is also reflected from the fact that he himself has preferred the representation after a lapse of more than one year from the date of passing of the order, i.e. 08.05.2018, by filing the same on 28.08.2019.

In that view of the matter, this Court is of the confirmed view, that the argument extended by the learned counsel for the petitioner, that one year

period would be construed from the date when the petitioner has actually chosen to file the representation, i.e. 28.08.2019, in pursuance to the order, may not be tenable, for the reason being, that the limitation provided under Section 20 of Act of 1971, cannot be kept at the choice of the petitioner to be determined according to the date when he applies for its compliance. Particularly, in the present case when the order dated 08.05.2018, itself speaks that ten weeks itself would be construed from the date of the order itself and not from the date of service of the representation petition.

Consequently, it is held that the contempt petition is barred by Section 20 of the Contempt of Courts Act of 1971.

Accordingly, the same is dismissed.

(Sharad Kumar Sharma, J.)

31.10.2020

Pooja