

CNR No: PHHC011278422026

2026:PHHC:108261



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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COCP-3688-2026 (O&M)
Date of decision: 07.08.2026

Sahil Sharma and others

...Petitioners

Versus

K.A.P. Sinha and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Baldev Singh Maan, Advocate for the petitioners.

VIKAS SURI, J. (Oral)

1. This petition has been filed for initiating proceedings under the Contempt of Courts Act, 1971, for alleged wilful disobedience of order dated 29.01.2026 (Annexure P-1), passed by the Writ Court in CWP-2334-2026, titled as '*Sahil Sharma and others vs. State of Punjab and others*'. The judgment dated 29.01.2026 reads thus:

"1. Instant petition has been filed by the petitioners under Articles 226/227 of the Constitution of India for quashing the impugned action of the respondents in failing to notify and implement the revised Assured Career Progression (ACP) Scheme as recommended by the 6th Punjab Pay Commission. Further prayer has been made for directing the respondents to forthwith notify and implement the revised Assured Career Progression (ACP) Scheme as recommended by the 6th Punjab Pay Commission and to grant all consequential benefits to the petitioners including arrears of pay and allowances along with interest @



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12% w.e.f. the due date and release the same within a time-bound schedule.

2. Learned counsel for the petitioners submits that to claim the aforesaid benefit petitioners have served legal notice dated 17.11.2025 (Annexure P-8) upon the respondents, however, neither the same has been replied nor the said benefits have been released to the petitioners. Learned counsel for the petitioners confines his prayer for deciding legal notice dated 17.11.2025 (Annexures P-8) and submits that at this stage, petitioners would be satisfied, if the said legal notice is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Swapan Shorey, DAG, Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioners.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioners in the legal notice dated 17.11.2025 (Annexure P-8) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order.

7. The petition stands disposed of.”

2. It is submitted on behalf of the petitioners that Principal Secretary to Government of Punjab, Department of Personnel, was arrayed as respondent No.2 in the aforesaid petition.



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3. Learned counsel for the petitioners would vehemently contend that pursuant to order dated 29.01.2026, a speaking order dated 06.05.2026 (endorsed on 07.05.2026) (Annexure P-4) has been passed, but the same is not in conformity with the directions issued by the Writ Court.

4. On an advance copy of the petition having been furnished, Mr. Adesh Pal Singh, AAG, Punjab, puts in appearance on behalf of the respondents and submits that the direction was issued only to respondent No.2, to decide the legal notice dated 17.11.2025 by passing a speaking order, which has since been complied with. He would refer to paras 5 and 6 of the speaking order dated 06.05.2026 (endorsed on 07.05.2026), which read thus:

“5. In the light of facts and circumstances of the case and the legal position emerging from the Finance Department instructions dated 15.12.2021, the claim of the petitioners to release and implement Part-II, Part-III of the 6th Punjab Pay Commission Report and notify the Assured Career Progression (ACP) Scheme with effect from 01.01.2016, cannot be decided by Department of Personnel at this stage, since the matter relating to grant of such benefits is still under consideration of the Government of Punjab. Any decision in this regard shall be subject to the final policy determination of the Government.

6. Therefore, as explained in Para 4 and 5, the demand raised by petitioners in their legal notice dated 17.11.2025, cannot be decided at this stage. The



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Legal Notice dated 17.11.2025 is disposed of accordingly.”

5. In the light of the aforesaid, learned State counsel contends that the claim for the release and implementation of Part-II and III of the Sixth Pay Commission Report and to notify the Assured Career Progression Scheme (ACP), w.e.f. 01.01.2016, is pending consideration with the Government of Punjab, in view of the Finance Department instructions dated 15.12.2021. He would refer to the order dated 29.01.2026 to further submit that no direction has been issued to the Finance Department qua the same, though the Finance Department was arrayed as respondent No.3, in the aforesaid writ petition. Moreover, no challenge has been made to the Finance Department instructions dated 15.12.2021. Learned State counsel would still further submit that in view of the aforesaid, the order dated 29.01.2026 stands complied with and upon the decision of the Government of Punjab and financial sanction from the Finance Department, the subject matter of the representation would again be considered accordingly, and decided expeditiously without being influenced by the order dated 07.05.2026 (Annexure P-4).

6. Learned counsel for the petitioners contends that issuance of ACP scheme is within the domain of the Personnel Department, with the concurrence of the Finance Department. However, he is not in a position to dispute that as the decision would involve huge fiscal liability upon the State exchequer, necessary prior decision of the Government and



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concurrence of the Finance Department would be imperative.

7. Heard learned counsel for the parties and perused the record.

8. Admittedly, the claim raised by the petitioners involves enormous financial implications and concededly, the concurrence of the Finance Department is required in that regard. In the absence of any categorical direction to the Finance Department, though the said department had been arrayed as a party respondent in the writ petition, the Department of Personnel cannot be held to be in default, in the peculiar facts and circumstances of the case. Therefore, in the light of the aforesaid, this Court is of the *prima facie* view that upon issuance of the speaking order dated 07.05.2026, the order dated 29.01.2026 passed by the Writ Court has been substantially complied with, though, not strictly within the time frame. It would be noteworthy to record that no material has been placed on record to show as on which date the certified copy of the order was served upon the respondents. Hence, in that regard, it is not discernible in the present proceedings as to date from which the period of three months has to be reckoned.

9. It is, however, made clear that this order will not come in the way of the petitioners in case they again approach the Writ Court, assailing speaking order dated 29.01.2026 or Finance Department instructions dated 15.12.2021 referred therein or for directions to the Finance Department/Government of Punjab, to take a decision on the



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pith and substance of the representation of the petitioners.

10. Accordingly, the present petition is dismissed with the aforesaid observations.

August 07, 2026
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No