

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.3886 of 2017

Date of Decision:-23.01.2018

Jaspal Kaur.

.....Petitioner.

Versus

Sh. N.P. Sharma, Chief Engineer, Municipal Corporation, Chd. & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.S. Rana, Advocate for the petitioner.

JASWANT SINGH, J.(ORAL)

The husband of the petitioner is stated to have been working on Daily Wage basis as Mali in the Horticulture Department of Municipal Corporation, Chandigarh Administration. Before his claim for regularization could be considered in terms of the Policy framed by the Chandigarh Administration in the year 1996 he went missing in July 2004. An FIR No.5 dated 5.8.2004 was got registered at Police Station Mullanpur, District Mohali. The petitioner filed CWP No.16556 of 2011 titled as Jaspal Kaur Vs. U.T., seeking the benefit of family pension on the analogy of her husband being entitled to regularization on fulfilling the terms and conditions of the Regularization Policy of 1996, which was allowed vide decision dated 24.5.2012 by learned Single Judge of this Court based on the concept of the deemed regularization of her missing husband and consequent grant of terminal benefits and family pension. The said

judgment was upheld in LPA No.1506 of 2012 decided on 28.09.2012. The judgments then were taken to Hon'ble Supreme Court. It transpires that pursuant to the decision of the LPA Bench, a speaking order dated 22.01.2013 was passed by MC Chandigarh declining the grant of family pension as also compassionate appointment to the widowed Petitioner. The said order is a subject matter of CWP No.8026 of 2013 titled as Jasvir Kaur Vs. M.C. which is pending before this Court.

By filing the present contempt the Petitioner alleges that the respondents have violated the general directions issued by Hon'ble Supreme Court in Civil Appeal No.6779 of 2009 titled as U.T., Chandigarh Vs. Sampat Singh & Ors.

Without going into the merits of the case being covered under the directions dated dated 3.4.2014 passed by Hon'ble Supreme Court, it is conceded that the contempt petition for any violation of any direction passed by the Hon'ble Supreme Court would not be maintainable before a High Court. This view has been enunciated in **Vitusah Oberoi & Ors. Vs. Court of its own motion (2017) 2 SCC 314.**

In view of the above, the present contempt petition is hereby dismissed as not maintainable.

(JASWANT SINGH)
JUDGE

January 23, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No