



119 (12 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 27.11.2024

(I) COCP-1389-2020 (O&M)

Sat Narian Bansal ...Petitioner(s)

Versus

Sarvjit Singh and others ...Respondent(s)

(II) COCP-1919-2021 (O&M)

Anil Mahajan and others ...Petitioner(s)

Versus

Sarvjit Singh and others ...Respondent(s)

(III) COCP-1928-2021 (O&M)

Sunil Kumar and others ...Petitioner(s)

Versus

Sarvjit Singh and others ...Respondent(s)

(IV) COCP-1983-2021 (O&M)

Gurcharan Singh and others ...Petitioner(s)

Versus

Sarvjit Singh and others ...Respondent(s)



(V) COCP-2079-2020 (O&M)

Jaspal Ram and others ...Petitioner(s)
Versus
Sarvjit Singh and another ...Respondent(s)

(VI) COCP-219-2021 (O&M)

Naresh Kumar and another ...Petitioner(s)
Versus
Sarvjit Singh and others ...Respondent(s)

(VII) COCP-2572-2021 (O&M)

Chander Mohan Sharma and others ...Petitioner(s)
Versus
Sarvjit Singh and others ...Respondent(s)

(VIII)COCP-2759-2021 (O&M)

Suresh Kumar and others ...Petitioner(s)
Versus
Sarvjit Singh and others ...Respondent(s)



(IX) COCP-948-2021 (O&M)

Om Parkash Goyal ...Petitioner(s)
Versus

Sarvjit Singh and others ...Respondent(s)

(X) COCP-974-2021 (O&M)

Vivek Raj and others ...Petitioner(s)
Versus

Sarvjit Singh and others ...Respondent(s)

(XI) COCP-983-2021 (O&M)

Pankaj Raj Garg and others ...Petitioner(s)
Versus

Sarvjit Singh and others ...Respondent(s)

(XII) COCP-2356-2021 (O&M)

Kulvir Bhushan Goyal ...Petitioner(s)
Versus

Sarvjit Singh and another ...Respondent(s)



CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Puneet Gupta and Mr. Anil Rana, Advocates
for the petitioner(s) in COCP Nos.1389 & 2079 of 2020;
and COCP-2356-2021.

Mr. Rakesh Sobti, Advocate,
for the petitioner(s) in the remaining petitions.

Mr. Vikas Singh, Advocate,
for the applicant/interveners in CM-5133-CII-2021
in COCP-1389-2020.

Mr. TPS Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

By this order, as issue involved is common, 12 (twelve)
contempt petitions are disposed off. For the sake of convenience and
brevity, facts are borrowed from **COCP No.1389 of 2020**.

(2) Petition has been filed under Section 12 of the Contempt of
Courts Act, 1971 for willful disobedience of the order dated 03.07.2014
passed by then then Coordinate Bench in CWP-15731-1991 (P-1) titled
as “**Kulbir Bhushan Goel and others V/s State of Punjab and others**”.

(3) On 24.10.2024, this Court passed the following order:-

“COCP-1389-2020 (O&M)

*It transpires that petitioner filed CWP No.15732 of 1991,
which was allowed by the then Co-ordinate Bench vide order dated
03.07.2014 and operative part of the same reads as under:*

*“11. By this order, I do not mean to vacate the posts which
were held by the private respondents. It is a fait accompli that
allowed for application of wrong rule and provided for an
officiation in the promoted post. They have held the posts and
they have also drawn the salary. There is no question of
calling for any refund. If after re-assigning the petitioners to
the posts which they were entitled if there are still vacancies,*



respondents could be considered legitimately. If there no posts which are available even as per 2004 Rules, then only the respondents could be reverted to the lower posts.

12. With these observations the writ petitions are allowed. The monetary benefits which the petitioners are entitled to shall be calculated and released to them within a period of 12 weeks.”

It is acknowledged by both sides that the order dated 03.07.2014 has attained finality and period of more than 10 years has already elapsed, but till date, the directions have not been complied with. Even today, during the course of hearing, learned State counsel was not able to show any valid reason for non-compliance of the aforesaid order.

Also discernible that various opportunities have already been granted to the respondents, but needful has not been done for the reasons best known to them. Thus, prima facia, both the respondents are liable to face the consequences under the provisions of the Contempt of Courts Act, 1971 for wilful and deliberate disobedience of the order dated 03.07.2014 (supra). However, before taking a final decision in the matter, both the respondents are afforded opportunity of personal hearing and/or to file response in their defence, if any.

Posted for 25.10.2024.

Let both the respondents be present in person on the date fixed.

Be shown in the urgent list.

Learned State counsel shall communicate this order to the quarter concerned, forthwith.

**COCP-2079-2020 (O&M) &
COCP-219, 948, 974, 983, 1919, 1928, 1983, 2572 and 2759-2021
(O&M)**

To be heard along with COCP-1389-2020.”

(4) Again on 25.10.2024, following order was passed by this Court:-

“COCP-1389-2020

In compliance of order dated 24.10.2024, both the officers namely Mr. Sarvjit Singh, IAS, Principal Secretary, Government of Punjab, Department of Water Resources, Punjab and Mr. Sanjiv



Gupta, Chief Engineer (Canals), Department of Water Resources are present in Court. Apart from above officers, present incumbent namely, Mr. Krishan Kumar, IAS, Principal Secretary, Department of Water Resources who is present in Court, has filed his affidavit dated 24.10.2024 and which is taken on record. Copy supplied to the other sides. Registry to tag the same at appropriate place.

From bare perusal of paragraph Nos. 5 & 8 of the aforesaid affidavit, prima facie it is evident that order dated 03.07.2024 passed by the then Coordinate Bench has not been complied with till date.

In view of the above, Mr. Krishan Kumar, IAS, Principal Secretary, Department of Water Resources, Punjab is ordered to be impleaded as party respondent No.3. Amended memo of parties be supplied to the Registry, forthwith.

Notice to newly added respondent.

Mr. Mohit Kapoor, Sr. DAG, Punjab accepts notice on behalf of newly added respondent No. 3 and he seeks time to have further instructions and/or to file response in the matter.

Posted for 27.11.2024.

Needful be done in accordance with law before the date fixed; failing which, necessary consequences shall follow.

Mr. Krishan Kumar, IAS, Principal Secretary, Department of Water Resources as well as both the officers be present on the next date of hearing.

COCP-2079-2020 (O&M) and COCP-219, 948, 974, 983, 1919, 1928, 1983, 2572 and 2759-2021 (O&M)

To be heard along with COCP-1389-2020.

Photocopy of this order be placed on the files of the connected cases.”

(5) In pursuance of the aforesaid order(s), Compliance Report has been filed by way of short affidavit dated 26.11.2024 of Mr. Krishan Kumar, Principal Secretary to Government of Punjab, Department of Water Resources, Chandigarh and which is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.



(6) For reference, para Nos.5, 6 & 7 of the aforesaid affidavit read as under:-

“5. That it is further submitted that the monetary benefits arising out after grant of deemed date promotions to these 96 Nos. petitioners such as pay arrears and balance amount of leave encashment have been released by the Department to the said petitioners. The details of the pay arrears and balance amount of leave encashment released to the said petitioners is annexed herewith as Annexure R-3.

6. That consequently, the revised pension cases of all these petitioners have also been submitted to the office of Accountant General, Punjab, Chandigarh for issuing of revised pension payment orders and the same have been issued by the office of Accountant General, Punjab, Chandigarh and shall be released to petitioners before 25/12/2024.

7. That as of now, in the humble understanding of the answering deponent, the order of this Hon’ble Court dated 03.07.2014 from which the present contempt petition has arisen, stands complied with and the same is liable to be dismissed in the interest of justice.”

(7) A perusal of the above extract reveals that grievance of the petitioner(s) stands redressed and order dated 03.07.2014 passed by the then Co-ordinate Bench has been complied with in letter & spirit.

(8) In view of the above development, learned counsel, on instructions from respective petitioner(s), submits that present petition(s) be disposed off as having been fully satisfied.

(9) Ordered accordingly.



(10) Rule discharged.

Pending application(s), including CM-5133-CII-2021 in COCP-1389-2020 [for impleadment as intervener(s)], shall also stand disposed off.

27.11.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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