



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

201

COCP-340-2019 (O&M)
Date of decision: 30.10.2025

Darshna Devi

...Petitioner

V/s

Depinder Singh Dhesi and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. S.K. Malik, Advocate, for the petitioner.

Mr. Anuj Garg, DAG, Haryana.

VIKRAM AGGARWAL, J

The instant contempt petition has been instituted under Sections 11 and 12 of the Contempt of Courts Act (hereinafter referred to as the "1971 Act") for non-compliance of judgment dated 07.05.1996 (Annexure P-1) passed in CWP-10115-1995.

2. CWP-10115-1995 was instituted by the petitioner (Darshna Devi) seeking issuance of a writ of mandamus directing the respondents to pay ex-gratia relief of Rs.1 lakh, Rs.1500/- per month as family pension and to rehabilitate her by giving her a Government job on account of her husband Nirmal Ram Sharma, who was working as a Lecturer at Government Senior Secondary School, Satnali, District Mohindergarh having been shot dead by unidentified extremists,.

3. The said writ petition was disposed of vide order dated 07.05.1996:-

"Mr. Nirmal Ram Sharma was working as a lecturer at the Govt. Senior Sec. School, satnali, District Mohindergarh. When he had worked for about eight months only, he was shot dead on July 11, 1992 by some "un-identified extremists...". The petitioner (his widow) made a request



for the grant of ex-gratia payment of Rs. 1 lac. Having failed to get the requisite relief, she has approached this court through the present writ petition with a prayer that a writ mandamus be issued "directing the respondents to pay the petitioner the special ex-gratia grant of Rs. One lac.

Notice of motion was issued to the respondents. A written statement has been filed on behalf of respondents No. 1 and 2. It has been pleaded that the petitioner's husband being an employee of the State of Haryana, the liability grant any payment was that of the employer and not of the State of Punjab. However, in pursuance to the interim directions given by the Bench on March 25, 1996, the Chief Secretaries of the two States of Punjab and Haryana have decided that the petitioner shall be paid an amount of Rs. 50,000/- viz. Rs. 2000/- by each of the States. It has been further decided that the petitioner herself shall be given a Class IV post in the state of Haryana. The petitioner can't be given a higher job on account of the fact that she has passed only the Middle Examination.

The above-noted decision of the respondents is absolutely just and fair. The petitioner would get an amount of amount of Rs. 50,000/- to tide over the economic crisis. She would also have an employment for which she is duly qualified. In this situation, no further directions are necessary. However, the respondents shall comply with the decision, within one month from the date of receipt of a copy of this order."

4. It is the case of the petitioner that after the issuance of the aforesaid directions, the petitioner, who is a very poor lady, submitted continuous representations to the respondents for the grant of a job, family pension and other benefits but no response was received. Under the circumstances, the instant contempt petition was instituted.

5. Short reply by way of affidavit of Sh. Jitender Kumar, Director, Secondary Education, Haryana filed in the Registry is taken on record. In the short reply submitted by the respondents, it has been averred that in compliance of the directions issued vide order dated 07.05.1996 passed in CWP-10115-1995, an appointment letter dated 19.06.1996 (Annexure R-4) had been issued. As regards family pension, it has been averred that since the qualifying service of Sh. Nirmal Ram Sharma was less than one year, the



petitioner was not entitled for family pension. Gratuity etc. was issued to the petitioner in 1994. Further, insurance amount was also paid.

6. It has further been averred that no further correspondence record as regards the appointment of Smt. Darshna Devi could be traced in the office and in 2006, the SDEO office was merged with the office of BEO office Mahendergarh and records were shifted to three different buildings. Despite best efforts, no record could be traced. It has been averred that under the circumstances, it cannot clearly be stated as to whether the letter of appointment was conveyed to Darshna Devi manually or through postal communication.

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioner submits that despite clear cut directions having been issued, the petitioner was not granted the benefit of appointment or the family pension. He, however, on a specific query having been raised, pleaded no instructions as regards payment of Rs.50,000/- of ex-gratia compensation.

9. *Per contra*, learned State counsel submits that the contempt petition is barred by limitation. He further submits that as per the record available, the appointment letter was issued to Smt. Darshna Devi but beyond that, no record is available and as per his instructions, Darshna Devi never joined pursuant to the appointment letter having been issued.

10. I have considered the submissions made by learned counsel for the parties.

11. It is indeed extremely strange that after CWP-10115-1995 having been disposed of vide order dated 07.05.1996, the instant contempt petition has been preferred in 2019 i.e. more than 22½ years after the decision of the writ petition. It is not understood as to how the petitioner made her two ends



meet during these 22 years if such was the necessity of the Government job. Even if the said fact is not considered, the contempt petition, in terms of the provisions of Section 20 of the 1971 Act, was to be instituted within a period of one year of the disobedience. There is absolutely no justification for instituting the instant contempt petition after 22 ½ years.

12. Even if keeping in view the peculiar facts and circumstances, this Court ignores the aforesaid position, the respondents are stated to have issued an appointment letter. What happened thereafter is not known to anybody as no records are available. Such disputed facts cannot be decided in the instant contempt petition. Still further, as regards the ex-gratia amount of Rs.50,000/-, neither the petitioner says anything, nor the respondents have anything to submit. The presumption is that the said amount must have been paid. As regards family pension, there was no direction in the writ petition for payment of the same. The stand of the respondents is that since the qualifying service of the husband of the petitioner was less than one year, the petitioner would not be entitled to any family pension.

13. Viewed from many angle, the contempt petition appears to be totally misconceived apart from being devoid of merit. Accordingly, the same is dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

October 30, 2025

vcgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No