

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****208****COC-867-2023 (O&M)****Date of decision: 20.08.2025****Karnail Singh and others****...Petitioner(s)****Vs.****Alok Sinha, I.A.S. Chariman-cum-Managing Director,****Food Corporation of India and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Shalender Mohan, Advocate for the petitioners.

Mr. K.K.Gupta, Advocate for the respondents.

NIDHI GUPTA, J.

Present Contempt Petition has been filed by the petitioner alleging wilful and deliberate disobedience of the order dated 21.03.2006 (Annexure P-1) passed by a Coordinate Bench in CWP No. 17659 of 1998 titled as 'Gurnam Singh and others vs. FCI and others'; whereby it had been directed as follows:-

"In view of the above, the main writ petition itself is disposed of. It is directed that the respondent-Food Corporation of India shall take an appropriate decision upon the Committee decision dated December 9, 2005. It is further directed that till the final decision is taken by the Corporation, the services of the applicant-writ petitioners shall not be dispensed with. C.M. as well as the main writ petition stand disposed of."

2. Learned counsel for the petitioners contends that the said direction of this Court, has not been complied with till date.



3. Learned counsel for the respondents vehemently opposes assertions made on behalf of the petitioners and refers in extenso to the Reply dated 26.07.2023 filed by way of an Affidavit of General Manager, Regional Office, Punjab, Food Corporation of India, Chandigarh/respondent No.3 to submit that there was no disobedience of any direction of this Court. It is submitted that the petitioners cannot be absorbed as regular employee of Corporation as there is no sanctioned post available. In any event, the petitioners had also given their undertaking on various dates from December 2016 to January 2021 (Annexure R-2 to Annexure R-8) that no claim for regularization and arrears for the work done prior to 01.07.2012 shall be filed in any legal form and that any Court case which is pending shall be withdrawn before availing the above said benefit. It is submitted that however thereafter present Contempt Petition has been filed by the petitioners; which is not maintainable, being time barred. Accordingly, dismissal of the present petition is prayed for.

4. Heard.

5. A perusal of the case file shows that the Board of the respondent-Corporation in its Board Meeting dated 04.11.2015 had considered the case of the casual/daily rated workers including the petitioners and vide order dated 24.10.2016 (Annexure R-1) had resolved to grant temporary status to the Casual/Daily rated workers (As per list enclosed) w.e.f. 04.11.2015 (i.e. the date of approval of proposal by the



Board of Directors) as per the enclosed guidelines subject to the limits of sanctioned strength of FCI Staff.

6. Further, almost all benefits admissible to regular employees were granted to the petitioners by way of wages at daily rates with reference to the minimum of the pay scale (IDA) for corresponding regular Class-IV employees including DA, HRA, lunch subsidy and Conveyance Allowance at par with the regular Class IV employees/as per FCI rules; and benefits of increments at the same rate as applicable to regular Class IV employees as per FCI Rules. Even temporary status has been granted to all Casual/Daily rated workers listed at page 13 of the reply which included the petitioners; also keeping note of the above-mentioned undertaking (Annexure R-2 to Annexure R-8) given by the petitioners.

7. It is also to be noted that petitioners had previously also filed COCP No. 114 of 2017 titled as 'Gurnam Singh and others vs. Alok Sinha and another', which was dismissed vide order dated 31.01.2023 (Annexure P-3), as under: –

“No ground for condonation of delay as well as revival is made out.

Dismissed.

However, liberty is granted to the applicant/petitioners to file afresh petition, if so advised.”

8. Thus, a previous contempt petition filed by the petitioners has already been dismissed on grounds of delay.

9. Moreover, vide order dated 24.04.2025 passed in the present Contempt Petition, the Coordinate Bench had called upon the petitioners



“to refer to any statutory provision/rules and regulations to the effect that the Committee decision cannot be deliberated upon or interfered with by the Board of Directors.” No such information has been supplied by the petitioners till date.

10. Furthermore, a contempt petition cannot lie after 21 years of the passing of order dated 21.3.2006. As per Section 20 of the Contempt of Courts Act, 1971 *“No Court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”* Thus, a contempt petition cannot be entertained at this belated stage in respect of order dated 21.3.2006.

11. In a recent judgment, the Hon'ble Supreme Court in ***S. Tirupathi Rao v. M. Lingamaiah and Others (SC): Law Finder Doc Id # 2618555*** has held that:

“Delay in filing a contempt petition should be adequately justified, and the court must adhere to the limitation period stipulated under Section 20 of the Contempt of Courts Act.

A. 1971 Contempt of Courts Act, Section 20 Limitation for actions for contempt The High Court's judgment allowing a review petition without adhering to the limitation period was erroneous The contempt petition was barred by limitation as it was filed more than five years after the order, and no sufficient cause for delay was shown - The concept of "continuing wrong" must be adequately pleaded and established to overcome the limitation bar.”

12. Thus, keeping in view the above noted factual and legal aspect, present Contempt Petition is hereby **dismissed**.

13. **Rule stands discharged.**

14. Pending applications, if any, stand disposed of.

20.08.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No