

2025:PHHC:004564

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCOC-3276-2024 (O&M)
Decided on:-14.01.2025

ASI Varun Kumar and others

....Petitioners..

vs.

Sh. Gurkirat Kirpal Singh, IAS, Home Secretary
Department of Home Affairs & Justice, Punjab
and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. K.G. Chaudhary, Advocate and
Mr. Sushane Puri, Advocate,
for the petitioners.

Mr. Gunjan Mehta, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for initiation of contempt proceedings against the respondents for the alleged willful non-compliance of order dated 10.01.2012 passed by this Court, which reads as under:-

“The petitioners have raised several issues in a legal notice dated 04.01.2011(Annexure P-9) most of which will not fall within the purview of the judicial review exercisable by this Court under Article 226 of the Constitution of India.

2. *In these circumstances and without expressing any view on merits, I deem it appropriate to dispose of the writ petition with liberty to the petitioner to pursue their above stated legal notice (Annexure P-9) before the higher authorities.*

3. *It will be appreciated if some appropriate decision is*

taken by the State Government on the legal notice within a period of six months from the date of receipt of a certified copy of this order.

Ordered accordingly. Dasti.”

2. On account of non-compliance of the aforesaid order, COCP-3064-2012 came to be preferred at the instance of petitioners, wherein, the reply by way of affidavit dated 04.01.2013 was filed by the then Principal Secretary to Govt. of Punjab, Department of Home Affairs & Justice, Punjab, to the following effect:-

“That in compliance of Hon’ble Court’s order dated 10.01.2012 (Annexure P-1), the Director General of Police, Punjab has considered the legal notice of the petitioners and passed a speaking order dated 31.12.2012 (Annexure R-1). As per this order, the members of the Executive Clerical Cadre have been assigned seniority in District Police Cadre and their sanction strength from the rank of Constable to Inspector has been increased. This order has been served on the petitioners on 01.01.2013.”

In view of the aforesaid affidavit dated 04.01.2013, contempt petition bearing COCP-3064-2012 was disposed of.

3. Learned counsel for the petitioners submits that having taken a stand before the Contempt Court that the sanctioned strength for the rank of Constable to Inspector has been increased qua the members of the Executive Clerical Cadre, the respondents thereafter, could not have issued a letter dated 21.04.2017, whereby, the promotion of Executive Clerical Staff was directed to be re-examined based on the previous sanctioned strength as on 20.02.2008, thereby going contrary to the stand taken in their earlier written statement filed on 04.01.2013 in the previous contempt proceedings. He,

thus, submits that the respondents were in direct contempt of the orders passed by the Writ Court and also trying to circumvent the proceedings before this Court having withdrawn the increase of strength of the Executive Clerical Staff, thereby, resulting into the reversion of some of the petitioners.

4. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioners.

5. In the present case, the letter (Annexure P-6) of which the petitioners are aggrieved was issued on 21.04.2017, followed by their reversion, however, the present contempt proceedings have been initiated in August 2024 i.e. after a period of more than 07 years and the same is thus, hit by Section 20 of the Contempt of Courts Act, 1971. Furthermore, reversion of some of the petitioners as a consequence of the letter dated 21.04.2017, been passed by the respondents, gives a fresh cause of action to the petitioners for assailing the same by way of another writ petition and thus, cannot be made scope of the present contempt proceedings.

6. In view of the discussions made here in above, the present petition being *prima facie* hit by the law of limitation being devoid of merits, stands dismissed.

However, the petitioners would be at liberty to avail their alternate remedies in accordance with law by assailing the validity of letter dated 17.04.2017 and also their consequential reversion in terms thereof.

14.01.2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No