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

CACP-103-2025 (O&M)

Date of Decision: 23rd September, 2025

JARNAIL SINGH

.....Appellant(s)

V/s.

**SH. KAMAL KISHOR YADAV, IAS, PRINCIPAL SECRETARY TO GOVT.
OF PUNJAB, DEPARTMENT OF EDUCATION, PUNJAB, CIVIL
SECRETARIAT, CHANDIGARH AND ANOTHER**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Shashi Bhushan Nagpal, Advocate
for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Contempt Appeal arises out of an order dated 12.08.2025, passed by the Contempt Court, whereby the Contempt Petition has been dismissed along with cost of ₹30,000/- to be deposited by the petitioner (appellant herein), on the ground that the Contempt Petition itself was frivolous in nature.

2. Learned Single Bench, in contempt proceedings, in Para 2 of the order, has noticed the operative portion of the order passed in the Writ Petition, which reads as under:-

2. *The relevant portion of the order dated 28.02.2024 is reproduced as under:-*

“5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction that in case the petitioner submits a representation within a period of four weeks, the same shall be considered and decided by the respondents taking into account the pleas of the

petitioner, within a period of six months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.”

3. It has also been noticed that in due compliance of the directions issued by the Writ Court, an order came to be passed by the competent authority on 20.05.2024, rejecting the claim of the appellant. It is thereafter that a Contempt Petition was filed stating that the directions of the Writ Court had not been complied with.

4. Learned Contempt Court has further observed that the Writ Petition was disposed of with a direction only to consider the representation after taking all the pleas of the appellant and that there was no adjudication on merits.

5. It has also been observed that once the representation was decided within the time permitted by the Writ Court, the remedy available to the person aggrieved was to challenge such order passed by the competent authority in appropriate proceedings and in such circumstances, Contempt Petition would not lie.

6. Though various submissions are advanced by the learned counsel for the appellant, but we do not find any substance in the said submissions. It is otherwise well settled that the civil contempt proceedings would be maintainable where there is a deliberate and intentional act of disobedience of the orders passed by the Court. When the Writ Court has not adjudicated the issue and has relegated the appellant to the authority for consideration of his representation, we fail to understand as to how the

consequential order of the authority could be said to be an action taken in willful and deliberate disobedience of the orders passed by the Writ Court.

7. Learned Contempt Court is right in observing that the filing of the Contempt Petition was not *bona fide* and therefore, imposition of cost in such circumstances requires no interference.

8. In view of the aforesaid deliberations, the present Contempt Appeal stands **dismissed**.

9. All pending applications, if any, in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

September 23, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>