

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP-2348-2025 (O&M)

Decided on 06.02.2026

Bhupender

... Petitioner

VS.

Dr. Rippudaman Singh Dhillon

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. LK Narang, Advocate for the petitioner

Mr. Deepak Balyan, Addl. AG Haryana

Sandeep Moudgil, J.

(1). The present petition has been filed under Section 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India for violating the final order dated 21.03.2025 (Annexure P1) passed by this Court in CWP-4247-2025.

(2). The petitioners are Emergency Medical Technicians and Drivers, appointed pursuant to the directions issued by the Mission Director, National Rural Health Mission (NRHM), vide order dated 10.01.2013. The National Health Mission ("NHM"), was launched in the year 2005 by the Ministry of Health and Family Welfare, Government of India, to ensure universal access to equitable, affordable, and quality healthcare. The petitioners had filed CWP No. 4247 of 2025 seeking quashing of the letter dated 20.01.2025 vide which weekly off of the EMT and drivers working in NHM had been omitted. This Court while issuing notice of motion, passed the following order on 21.03.2025:-

"Learned State Counsel prays for some time to file reply.

On request, case is adjourned to 04.07.2025.

Reply(ies), if any, be filed on or before the next date of hearing with copy in advance to the learned counsel for the petitioner.

In the meanwhile, the respondent-State is directed to make an appropriate arrangement to ensure that weekly off/rest as admissible in terms of the applicable Labour law is extended to the petitioners, unless the same goes against any statutory provision."

(3). Despite knowledge of this order, the respondents have failed to comply, as admitted in their statements, constituting contempt of court. On 04.04.2025, Petitioners' counsel sent the order via post (Annexure P-2), yet no compliance ensued, showing total disregard to the order passed by this Court.

(4). Hence this contempt petition.

(5). Notice of motion was issued on 14.05.2025 and thereafter compliance report dated 02.07.2025 has been filed.

(6). It has been averred that the plea of not complying is wholly misconceived, as NHM has strictly adhered to the directions issued by this Court on 21.03.2025 in CWP No. 4247 of 2025. The respondent-State had duly obtained the opinion of the labour department in this regard and has already issued detailed roster and implemented guidelines under the National Health Mission, Haryana for Referral Transport Services, whereunder duty rosters of drivers and EMTs is regulated in 12 hours shifts with approximately 240 hours per month with a 24 hour rest following each night shift and a minimum of one weekly off to each driver/EMT as per roster, keeping in view the exigencies of emergency services. In terms of these norms, the petitioners are already being granted weekly offs by rotation, and any isolated deviations, if at all, on account of sudden emergencies, staff shortages or ambulances going off road,

cannot be construed as wilful disobedience of the order of this Court amounting to contempt.

(7). That it is further submitted that emergency ambulance services under NHM are 24x7 services, and specific guidelines issued at the State and National level recognise that, while employees are entitled to weekly rest, the same has to be harmonised with continuous public health requirements through rosters and deployment from adjacent ambulances.

Analysis

(8). This Court has considered the rival submissions and perused the material on record. The operative portion of the order dated 21.03.2025 shows that the direction issued was to the effect that the respondent-State shall make an “appropriate arrangement” to ensure that weekly off/rest, as admissible in terms of applicable labour law, is extended to the petitioners.

(9). From the NHM Haryana guidelines placed on record, it emerges that drivers and EMTs under the Referral Transport Service are required to work in 12-hour shifts, with an upper limit of 48 duty hours per week and a minimum of one weekly off, to be implemented through a roster, keeping in view the fact that ambulance services are 24x7 emergency services.

(10). The respondents have affirmed on affidavit that such roster is in place and is being followed, and that any occasional departure, if at all, is only on account of exigencies of service or temporary staff shortage, and is neither intentional nor systematic. The petitioners, on the other hand, have not produced any specific, unimpeachable material to demonstrate that, after 21.03.2025, they have been uniformly denied even a single weekly off in clear breach of the guidelines and of this Court’s order.

(11). It is well settled that contempt jurisdiction is quasi-criminal in nature and that a finding of guilt can be returned only upon proof of wilful disobedience beyond reasonable doubt and mere occasional departure in view of administrative difficulties, or pendency of disputes on the scope and effect of the order, do not, by themselves, justify punishment for contempt.

(12). Tested on this anvil, the material on record does not establish that the respondents have deliberately and consciously flouted the order dated 21.03.2025. This Court, therefore, holds that no case of wilful, intentional and deliberate disobedience is made out.

(13). Dismissed.

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

06.02.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No