



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCP-4553-2025(O&M)

Reserved on: 19.01.2026

Pronounced on: 06.02.2026

Harnek Singh and another

... Petitioners

Versus

Ms. Anindita Mitra, Principal Secretary, Department of Education, Punjab  
and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Anil Mehta, Advocate, and  
Ms. Sukriti Kaur, Advocate,  
for the petitioners.

Mr. Jastej Singh, Addl. AG, Punjab.

\*\*\*

**VIKRAM AGGARWAL, J.**

The instant contempt petition has been preferred under Article 215 of the Constitution of India, read with Section 12 of the Contempt of Courts Act, 1971 (for short, '**the 1971 Act**'), seeking initiation of contempt proceedings against the respondents for deliberate and willful disobedience of the order dated 21.07.2011 (Annexure P-2), passed in CWP-4267-2010, titled as "**Harnek Singh and others v. State of Punjab and others**" and the order dated 23.03.2012 (Annexure P-3), passed in COCP-941-2011, titled as "**Disabled Persons Association v. SC Aggarwal and another**", and COCP-3142-2011, titled as "**Harnesh Singh and another v. Hussan Lal**".

2. The petitioners are visually disabled persons, who along with other persons, had instituted CWP-4267-2010 on the basis of a decision of the Division Bench of this Court rendered in CWP-11467-2010, titled as



**“Disabled Persons Association v. State of Punjab and others”**. The said writ petition was instituted by the Disabled Persons Association as a Public Interest Litigation praying for grant of reservation to the extent of 3% to the physically handicapped persons and appointment to public posts by way of direct recruitment as also promotion to categories and groups as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as ‘**the 1995 Act**’). The said writ petition was allowed vide order dated 06.09.2010 (Annexure P-1) and a direction was issued to the State of Punjab to keep 3% posts reserved for promotion for the disabled in Group ‘A’ and ‘B’ posts and to issue necessary promotion orders within a period of six months.

3. The writ petition instituted by the petitioners viz. CWP-4267-2010, was also disposed of in terms of the decision rendered in ***Disabled Persons Association’s case*** and a direction was issued to the respondents to consider the claim of the petitioners in the light of the said judgment as well as in the light of the Government circular dated 05.07.2011. The needful was to be done within a period of four months.

4. For, the aforesaid directions were not complied with, COCP-941-2011 was instituted by the Disabled Persons Association and the petitioners instituted COCP-3142-2011. In COCP-941-2011, a reply was submitted that in compliance of the directions issued by the Division Bench, a policy dated 13.03.2012 had been framed. Accordingly, the contempt petition was disposed of with certain clarificatory directions:-

**“2. Respondent No.2 has filed reply/affidavit alongwith Government Policy dated 13.3.2012 issued**



**in compliance to the High Court directions to provide 3% reservation in promotions in Group A, B, C and D categories to the physically challenged persons.**

**3. In this view of the matter, the petitions are disposed of with a clarificatory direction that the Department concerned shall now proceed to identify the posts to be filled in by proceed to promotion from amongst the specially challenged persons and consider their claim for promotion against such identified posts from the due date in terms of of judgments of this Court from time to time and grant consequential benefits to employees found to be suitable for such promotions, within a period of three months from the date of receipt of certified copy of this order. In the event of any further claim, liberty is granted to the individual employees to raise their claim before an appropriate forum.”**

5. The contempt petition filed by the petitioners was also disposed of in the same terms (Annexure P-3). Consequently, the petitioners were promoted as Principal on 01.04.2013 and 08.05.2012, respectively, against the roster point reserved for the visually impaired category. It is the case of the petitioners that a mere promotion does not constitute full compliance, as the consequential benefits were also to be granted. It is averred that consequential benefits include all attendant service benefits that flow from a rightful promotion, which encompasses fixation of proper seniority, notional and actual pay fixation, arrears of salary, continuity in service benefits and further promotional avenues. It is also averred that though promotions were granted, these consequential benefits were deliberately withheld.



6. It is the further case of the petitioners that as per the instructions issued vide office memorandum dated 17.05.2022, handicapped employees can claim the benefit of reservation in promotion only from the date of their disability certificate(s). Still, the respondents treated them as seniors to the petitioners in flagrant violation of the directions of the Court. It is, thus, the case of petitioner No.1 that consequential benefits are to be reckoned from 16.05.2012 and to petitioner No.2 they are to be reckoned from 06.03.2011.

7. It has been averred that multiple representations (Annexure P-6) were submitted but to no avail. Finally, legal notice dated 13.08.2025 (Annexure P-7) was issued. Since it did not evoke any response, the instant contempt petition was instituted.

8. In the reply submitted by way of affidavit of Ms. Anindita Mitra, Principal Secretary, Department of Education, Punjab, the specific stand taken is that the directions issued in the writ petitions duly stand complied with, and after providing 3% reservation in promotion to persons with disability, the eligible employees, including the petitioners, were duly considered and promoted. It has further been averred that both petitioners were granted consequential monetary benefits from the dates of their actual promotion.

9. A stand has further been taken that no direction had ever been issued for grant of retrospective seniority or notional benefits prior to the date of actual promotion, and that the claim raises a fresh cause of action.



10. An objection has also been taken that the present contempt petition is barred under the provisions of Section 20 of the 1971 Act, as the same has been filed after an inordinate delay of 14 years.

11. Replication to the said affidavit was filed, reiterating the averments made in the contempt petition.

12. A rejoinder to the application was filed, in which, apart from giving details of the meeting of the Departmental Promotion Committee and the circumstances leading to the promotion orders being issued from particular dates, reference has also been made to two other cases instituted by the petitioners. It would be apposite to refer to paragraphs 7 to 11 of the said rejoinder:-

**“7. That it is humbly submitted that thereafter, petitioner no. 2 Charanjit Vatish filed CWP No.6980 of 2016 for questioning the seniority list of PES Cadre (Group-A). During the pendency of the said petition, the learned counsel for the petitioners stated that the seniority of the petitioners has been corrected and upgraded. Accordingly, the grievance raised in the petition of the petitioner stood redressed. Consequently, the Hon'ble High Court, vide order dated 12.09.2019, dismissed the petition as withdrawn. The relevant extract of the said order is reproduced hereunder:-**

**“Learned counsel for the petitioner states that during the pendency of the present petition, the seniority of the petitioner has been corrected and upgraded and now he has been placed at Sr. No.2765 whereas respondent No.3 has been placed at Sr. No.2767 in the corrected seniority List, copy of which is taken on record as Mark**



**‘A’. He further states that the grievance of the petitioner stands redressed, therefore, he has instructions to withdraw the present petition.**

**Dismissed as withdrawn"**

**8. That it is submitted that both the petitioners again filed CWP No.13910 of 2020 and challenged the order dated 28.07.2020 vide which their objections to the seniority list dated 07.08.2020 were decided. The said writ petition was disposed of vide order dated 09.09.2020 the relevant extract of same is being reproduced herewith as under:**

**“The respondent authorities are accordingly directed to reconsider the petitioners’ objections (Annexure P-12 and P-13) on merits and in accordance with law. The petitioners shall be afforded a personal hearing by giving them prior notice of at least two days. In the event the authorities find merit in the petitioners’ objections warranting any change being made in the seniority list, a similar exercise shall be undertaken with all those who would be adversely affected by any such change, by giving an opportunity to respond and also a personal hearing. Thereupon, a speaking order shall be furnished to all parties concerned, setting out the reasons for the decisions taken, one way or the other. Necessary further action, if warranted, shall also be taken in relation to fixation of the seniority. This entire exercise shall be completed before convening of a Departmental Promotion Committee for affecting further promotions on the strength of the impugned seniority list dated 07.08.2020.**



**The writ petition is disposed of with the above directions.**

**No order as to costs.”**

**9. That in compliance with the order dated 09.09.2020 passed by the Hon'ble Court in CWP No.13910 of 2020, an opportunity of personal hearing was afforded to petitioners in order to pass a well reasoned speaking order in accordance with law. During their personal hearing the petitioners have submitted their representation dated 15-09-2020 Accordingly, in compliance of above mentioned orders of the Hon'ble High Court a well reasoned speaking order dated 23.03.2021 was passed, wherein it was categorically concluded that the seniority of the both the petitioners had already been correctly fixed and duly reflected in the seniority list dated 07.08.2020. Accordingly, the claim of both the petitioners was rejected. That the petitioners have further challenged the said speaking orders dated 23.03.2021 in CWP No.8111 of 2021 which is pending adjudication before this Hon'ble Court for 04.02.2026.**

**10. That it is respectfully submitted that the petitioners have deliberately misled this Hon'ble Court in the present CM. The present seniority number of Petitioner No.1 is 2704 and that of Petitioner No.2 is 2931 in the PES Cadre seniority list. However, the petitioners have wrongly compared themselves, as reflected in Annexure P-10, with respondents whose seniority numbers fall between 1429 to 1508. Moreover, both the petitioners were promoted from the lecturer Cadre, whereas the respondents were promoted from the Head Master Cadre, which is governed by a separate and distinct set of service conditions.**

**11. That it is further submitted that as per the instructions issued by the Department of Personnel dated 10.10.2014 roster point cannot be treated or assumed as a**



**point of seniority. Therefore, the petitioners cannot claim promotions from previous date as both the petitioners were promoted on the basis of roster points. Hence the petitioners were rightly granted the benefits of seniority, pay fixation from the respective dates of their actual promotions based on roster points.”**

13. Learned counsel for the parties were heard.

14. It was strenuously urged by Mr. Anil Mehta, learned counsel representing the petitioners, that only the grant of promotion would not be deemed to be compliance of the directions, and that all consequential benefits were required to be granted. As regards delay, it was submitted that it is a continuing cause of action and by raising an objection regarding delay, the respondents cannot shrug off their duty to comply with the directions issued by the Court. Learned counsel referred to the instructions issued by the Government of India and other documents on record to contend that though the promotion to petitioner No.1 was granted on 01.04.2013, it was due from 16.05.2012, and petitioner No.2 was promoted on 08.05.2012, whereas it was due from 06.03.2011. It was further submitted that all consequential benefits, including further promotions etc, should have been granted to the petitioners.

15. As regards other litigation, learned counsel submitted that the same were pertaining to other issues, and the said petitions did not bar the petitioners from instituting the present contempt petition. It was also submitted that in the said writ petitions, no consequential benefits had been claimed.





16. Per contra, learned Additional Advocate General, Punjab, referred to the additional affidavit and the rejoinder submitted by the State of Punjab. He addressed arguments on the lines of the averments made therein, which have been referred to in the preceding paragraphs.

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

18. No doubt, CWP-4267-2010 and CWP-11467-2010 were allowed directing the respondents to keep 3% posts reserved for promotion for the disabled in Group 'A' and 'B' posts and to issue necessary promotion orders within a period of six months.

19. It is also true that while deciding COCP-941-2011, a clarificatory direction was also issued, which has also been referred to in the earlier part of the judgment.

20. Concededly, the petitioners were promoted on 01.04.2013 and 08.05.2012, respectively. It has categorically been stated in the reply that consequential monetary benefits had also been paid. However, the petitioners claim further consequential benefits as regards future promotions, fixation of proper seniority, notional and actual pay fixation, arrears of salary on account thereof, and continuity in service. This, in the considered opinion of this Court, would not fall within the ambit of the directions issued. In fact, it had categorically been stated by the coordinate Bench while disposing of COCP-941-2011 that in the event of any further claim, individual employees would be at liberty to raise their claim before an appropriate forum.



21. It has also come on record that various other writ petitions have also been filed by the petitioners, reference to which has not been made in the present contempt petition. In the considered opinion of this Court, the petitioners ought to have made a reference to all petitions which they have instituted. The rejoinder submitted by the respondents shows that CWP-13910-2020 had also been instituted challenging the order dated 28.07.2020, vide which their objections to the seniority list had been decided, and the said writ petition was disposed of vide order dated 09.09.2020. In compliance thereto, a speaking order dated 23.03.2021 had been passed rejecting the claim of the petitioners. Aggrieved by the same, the petitioners had further challenged the speaking order dated 23.03.2021 in CWP-8111-2021, which is pending adjudication.

22. In the case of Chaduranga Kanthraj Urs and Anr. v. P. Ravi Kumar and Ors., 2024 SCC Online SC 3681, it was held that in contempt proceedings, the Contempt Court is not required to go beyond the directions issued and contempt jurisdiction is strictly confined to disobedience of clear and explicit orders. It was held that Courts should not travel beyond the four corners of the order alleged to be disobeyed:-

“xxx                      xxx                      xxx                      xxx

**1.11 The weapon of contempt will not be used for execution of the decree or implementation of an order for which alternative remedy in law is provided for. The paramount consideration is given to maintain court’s dignity and majesty of law. In Sudhir Vasudeva v. George Ravishekeran (2014) 3 SCC 373, this Court has observed that a Court exercising jurisdiction under the Contempt of Courts Act, 1971**



must not travel beyond the four corners of the orders in relation to which contempt has been alleged. That the Court hearing a contempt petition ought to restrict the scope of its enquiry to such directions which are explicit in the judgment or orders of which contempt has been alleged.

xxx

xxx

xxx

xxx

5.3 This Court exercising contempt jurisdiction would not enter into question which have not been dealt with and decided in the judgment or order, violation of which is complained by the applicant. This Court will consider whether the direction issued in the judgment or order is complied in true sense or in its letter and spirit and would not embark upon the journey of examining as to what the judgment or order should have contained. The primary concern would be as to whether there has been deliberate default or if there is any ambiguity in the directions issued therein, in which event it would be better to direct the parties to approach the court which disposed of the matter for clarification instead of clutching the contempt jurisdiction. A plain reading of the orders dated 21.11.2014 and 17.05.2022 supra would indicate that direction issued to the respondents is to the effect that TDR had to be issued as per TDR rules. There was no ambiguity or vagueness in the said orders. It is also not the case of the contemnors that any doubt being there in the said orders.”

23. Considering the matter in its entirety, apart from the inordinate delay in filing the instant contempt petition, no willful disobedience of the directions issued vide order dated 21.07.2011 (Annexure P-2), passed in



CWP-4267-2010, titled as “**Harnek Singh and others v. State of Punjab and others**” and the order dated 23.03.2012 (Annexure P-3), passed in COCP-941-2011, titled as “**Disabled Persons Association v. SC Aggarwal and another**”, and COCP-3142-2011, titled as “**Harnesh Singh and another v. Hussan Lal**” is found to have been committed. The petition is, therefore, found to be devoid of merit and is accordingly dismissed.

24.           Needless to assert that the petitioners would be at liberty, if so advised or so desired, to avail all such remedies as shall be admissible in law.

25.           Pending application(s), if any, also stands disposed of.

( **VIKRAM AGGARWAL** )  
**JUDGE**

**February 06, 2026**

Rajan  
Uploaded on: 06.02.2026

|                              |     |
|------------------------------|-----|
| Whether speaking / reasoned: | Yes |
| Whether Reportable:          | Yes |