

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-8013-CII-2026 in/and
COCP-3840-2023 (O&M)
Date of decision: 18.04.2026**

Nasib Kaur

...Petitioner(s)

Vs.

Navraj Batish and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ravinder Singh Randhawa, Senior Advocate with
Ms. Mamta and Mr. Karanyog Riar, Advocates
for the petitioner.

Mr. Ashok Kumar Bazaz, Advocate
for respondent No.2.

NIDHI GUPTA, J.

CM-8013-CII-2026

Prayer in the present application under Section 151 CPC for recall/modification of order dated 05.03.2026, whereby it was directed that the respondent no.2 remain present in person in Court today.

2. Heard.

3. In view of the reasons mentioned in the application, which is duly supported by affidavit of the learned counsel for the applicant/respondent No.2, the same is allowed; and the order dated 05.03.2026 is recalled.

COCP-3840-2023 (O&M)



Present Original Contempt Petition under Sections 11 and 12 of the Contempt of Courts Act has been filed alleging violation of the order dated 15.09.2016 passed by the predecessor Bench in **CWP No.16804-2011** titled as **Nasib Kaur vs. State of Punjab and another** (Annexure P-1); whereby it was directed as follows: -

“.....However, since Gurmail Singh-deceased served upto 01.09.1989 in Municipal Corporation, Ludhiana, therefore, the GPF, leave encashment, gratuity contributed/accrued and the share of the pension for the said period is to be borne by Municipal Corporation, Ludhiana, since, he died in harness while in service of Municipal Corporation, Ludhiana, The Municipal Corporation, Ludhiana is also to provide the financial assistance/compassionate appointment as per its policy, if the similar benefits have been extended to other similarly situated employees.

For this purpose, Municipal Corporation, Ludhiana shall submit all the necessary documents alongwith their share of the retiral benefits to Punjab Roadways, Ludhiana which shall prepare the pension case of the husband of the petitioner and release the pension and other retiral benefits. The Municipal Corporation, Ludhiana is given three months time from the date of passing of the judgement for preparing the necessary papers and thereafter submit the same to Punjab Roadways, Ludhiana which shall process the case and release the retiral benefits in the next two months.”

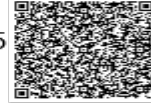
2. It is *inter alia* submitted by learned Senior Counsel for the petitioner that first part of the Writ Court order stands complied with *in-*



as-much as payment of GPA, leave encashment, gratuity et cetera have been released to the petitioner.

3. It is submitted that however, the respondents have failed to comply with second part of the order dated 15.09.2016 *in-as-much* as pursuant to the direction of the Writ Court to consider the case of the petitioner for financial assistance/compassionate appointment as per its policy if similar benefits have been extended to other similarly situated persons, the respondents have failed to pass any order. It is contended that till date, respondents have not decided case of the petitioner despite the above said order in favour of the petitioner. It is accordingly prayed that the present Contempt Petition be accepted; and respondents be punished for wilful disobedience of the order dated 15.09.2016.

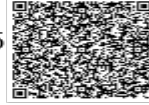
4. *Per contra*, learned counsel for the respondents vehemently opposes submissions made on behalf of the petitioner and firstly raise a preliminary objection that the present contempt petition is not maintainable being barred by limitation. Learned counsel relies upon judgment of this Court passed in **Devinder Kaur and others vs. Rishi Pal Singh (IAS), Academic Department, Thapar Hall Road, Punjab Agricultural University, Ludhiana and another, Neutral Citation No. 2025:PHHC:158097**; and of 3-Judge Bench judgment of Hon'ble Supreme Court passed in **Pallav Sheth v. Custodian, (SC): Law Finder Doc Id # 11583** to submit that in terms of Section 20 of the Contempt of Courts Act, no Contempt Petition is maintainable after the expiry of period of one year.



5. On merits, learned counsel refers to the averments made in paras 4 and 5 of the reply/affidavit dated 13.10.2025 filed on behalf of respondent No.2; where in it has been categorically stated that respondent Corporation has no such policy whereby compassionate appointment has been granted to member of the family of a government employee who has died while in Service of the Punjab Roadways. The said paras 4 and 5 read as follows:-

“4. That as per Rule 2.7 of the Punjab Civil Service (Volume-II) Rules, 1970, the Govt. may allow Ex-gratia grant to the member of the family of a Govt. employee, who dies while in service at the rate as notified from time to time. However, as per record, no such Ex-gratia grant was ever paid to any of the Punjab Roadways employee, who died while working in the Municipal Corporation Ludhiana.

5. That claim of the petitioner for compassionate appointment was legally examined but was found devoid of any merit. Firstly, the Municipal Corporation has not given the benefit of Compassionate appointment to the dependant member of any of the Punjab Roadways employee, who died during his posting in the Municipal Corporation. The Municipal corporation has granted the compassionate appointment to dependant family members of only those regular Corporation employees who died while in service and fulfilled all the eligibilities prescribed in the Govt. Policy, 2002. Further, as per the prevalent Scheme for Compassionate appointment, 2002, circulated by the State Govt. on 21.11.2002, in compliance of the directions of the Hon'ble Apex Court passed in Umesh Kumar Nagpal versus State of Haryana {(1994(4) SCC 138), a dependant member of the

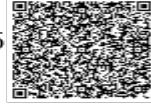


family of the missing Govt. employee is eligible for compassionate appointment after a period of 7 years from the date from which the employee has been missing. It is also mandate of the Policy, 2002 that Compassionate appointment in the case of missing employee would not be a matter of right and likewise other cases, the appointment shall be subject to compliance of all the provisions of the Policy ibid. Still further, as per the Policy of 2002, application for compassionate appointment on prescribed form is required to be submitted to Appointing Authority within 6 months from the date of death. In the present case, the date of death is 02.01.1989. Still further, the Hon'ble Courts have repeatedly held that consideration for compassionate appointment is not a vested right which can be exercised at any time in future. The very intent of the policy is to bail out the family out of the situation which has arisen on account of sudden demise of the sole bread winner and admittedly those crises have long back passed and hence the claim is otherwise devoid of any merit and hopelessly stale and suffers from the vice of "delay and latches".

6. He accordingly prays for dismissal of the Contempt Petition.

7. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of the respondents.

8. First and foremost, the present Contempt Petition is not maintainable being hit by Section 20 of the Contempt of Courts Act 1971, wherein it is stipulated that *"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." The present Contempt Petition has been filed on 12.12.2023, alleging violation is of an order dated 15.09.2016. Thus, Contempt Petition has been filed i.e. after a delay of 7 years. A contempt petition cannot be entertained at this belated stage in respect of order dated 15.09.2016.

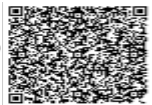
9. In a recent judgment, the Hon'ble Supreme Court in **S. Tirupathi Rao v. M. Lingamaiah and Others (SC): Law Finder Doc Id # 2618555** has held that:

"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. Contempt of Courts Act, 1971 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."

10. The 3-Judge Bench of the Hon'ble Supreme Court in **Pallav Sheth's case (supra)** has held as follows:-

"44. Action for contempt is divisible into two categories, namely, that initiated suo motu by the Court and that instituted otherwise that on the Court's own motion. The mode of initiation in each case would necessarily be different. While in the case of suo motu proceedings, it is the Court



itself which must initiate by issuing a notice. In other cases initiation can only be by a party filing an application. In our opinion, therefore, the proper construction to be placed on Section 20 must be that action must be initiated, either by filing of an application or by the Court issuing notice suo motu, within a period of one year from the date on which the contempt is alleged to have been committed.”

11. Furthermore, as noted above, it has been categorically stated by the respondents in their reply dated 13.10.2025 that the petitioner is not entitled to the relief prayed for, for the reasons as stated in para 4 and 5 which have been reproduced above. Ld. Senior counsel has not been able to dispute the above said facts.

12. Consequentially, present Contempt Petition is hereby **dismissed.**

13. **Rule stands discharged.**

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

18.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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