



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

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**COCP No.4713 of 2024 (O & M)**

**Date of decision :-25.08.2025**

**Jagbir Malik, Advocate**

**.....Petitioner**

**Versus**

**Vivek Joshi, IAS, Chief Secretary, Government of Haryana-cum-  
Chairman, Haryana Kaushal Rojgar Nigam Limited, Haryana  
Civil Secretariat, Chandigarh and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Parvez Chaudhary, Advocate  
for the petitioner.

Mr. Priyavrat Parashar, AAG, Haryana.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition is for initiation of contempt proceedings against the respondents for not complying the order dated 13.8.2004 (Annexure P-1) passed by a Division Bench of this Court in CWP-10873-2004 titled as "Sajjan Singh vs. The State of Haryana and others" wherein the general direction to the following effect was issued :-

*“xxx xxx xxx*

*This would necessarily mean that in future the State Government and its functionaries shall not make any appointment on daily wages or on contract basis in relation to the work of perennial nature and/or against sanctioned post. However, we give them liberty to engage eligible persons on*



*purely contract basis for a maximum period of six months to meet the emergency needs of public work and similar other contingencies subject to the conditions that persons engaged shall have no right to seek regularisation of service or claim seniority or pay fixation in the regular time scale.*

*xxx xxx xxx”*

Learned counsel for the petitioner firstly submits that the respondent-State in violation of the above said directions is daily engaging people on contract basis without filling the sanctioned posts which are lying vacant for years together.

Learned counsel for the State takes a preliminary objection that the present contempt petition is not maintainable being time barred under Section 20 of the Contempt of Courts Act, 1971. Further it is submitted that no challenge has been made by the petitioner to the policy of the State Government permitting the respondent-State to engage the persons on contract basis. It is accordingly prayed that the present contempt petition be dismissed.

Heard.

As per Section 20 of the Contempt of Courts Act, 1971 ‘*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.*’ Thus, a contempt petition cannot be entertained at this belated stage in respect of order dated 13.8.2004.



I find support in my view from a recent judgment of the Hon'ble Supreme Court in **S. Tirupathi Rao v. M. Lingamaiah (SC)** : **Law Finder Doc Id # 2618555** wherein it is 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.”*

In view of the above and the submissions made by learned counsel for the State, the present petition stands **dismissed** as the contempt proceedings cannot be used as Public Interest Litigation.

Rule stands discharged.

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

August 25, 2025

Vijay Asija

( **NIDHI GUPTA** )  
**JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No