

COCP-539-2023 (O&M)

2025-PHHC-133318



101 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

COCP-539-2023 (O&M)

Date of decision : 24.09.2025

Sushila Devi

..... Petitioner

Versus

Sanjeev Kaushal, IAS & anr.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. S.P.Laler, Advocate and  
Mr. Shubham Saroha, Advocate for the petitioner.

Mr. Sandeep Chhabra, Addl. A.G., Haryana  
along with Mr. Rajiv Malhotra, DAG, Haryana

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**PANKAJ JAIN, J. (ORAL)**

1 Petitioner has invoked the jurisdiction of this Court by filing the present petition under Sections 10 and 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, claiming wilful and intentional disobedience of the judgment/order dated 29.09.2011.

2 The petitioner, who was working as PTI with the Education Department, State of Haryana, participated in the selection process for appointment as Sub-Inspector in the Haryana State Industrial Security Force (for short "the Force"). She was selected and appointed. She joined as Sub-Inspector in December 2004 on the basis of the said selection. Subsequently, because the Force was disbanded, the appointment went into rough weather. Petitioner, along with other appointees, approached this



Court by way of CWP No.17590 of 2005. Bunch of the Writ petitions were decided vide order dated 03.02.2009 with CWP No.17202 of 2005 being the lead case. Though the writ petitions were dismissed, however, the Writ Court made a special concession for petitioner along with another co-petitioner observing as under :-

*“In the circumstances, I am constrained to hold that no illegality has been committed by the respondents in terminating the services of the petitioners.*

*There is only one peripheral matter which needs to be addressed. In CWP No. 17590 of 2005, petitioners No.1 and 7 had resigned their regular government service on their selection as Sub Inspectors. For these two petitioners, there is a requirement for making a special dispensation. I consequently direct that petitioners No.1 and 7 in CWP No. 17590 of 2005 would be reinstated in the jobs where there were working at the time of their resignation with all consequential benefits except arrears of pay for the period that they have remained out of job.”*

3 From the records, it is discernible that pursuant to the said order, the petitioner rejoined her earlier posting as PTI and preferred intra-Court appeal i.e. LPA No.758 of 2009. The LPAs filed by the appointees were allowed by the Division Bench of this Court vide judgment dated 29.09.2011. LPA filed by the petitioner was also allowed in terms of detailed judgment passed in LPA No.96 of 2009. The operative part of the judgment passed by Division Bench reads as under :-

*“we hold that no doubt it was a matter of administrative policy to create or abolish posts, the said judgments are not*



*applicable to the present case. Even if HSISF was disbanded, the appointment and selection of the appellants was not for the said posts. We are not concerned with the validity of decision of the authority regarding the said posts but to the termination of the appellants who were never appointed to the said posts but to the police force. As regards judgments dealing with the question of there being no right to posts which were not advertised, the posts in question were duly advertised and appointment of the appellants was against the advertised posts. The judgments are, thus, distinguishable.*

*17. The question has, thus, to be answered in favour of the appellants and against the State. The impugned orders are liable to be set aside. Learned counsel for the appellants fairly stated that in case of reinstatement, the appellants will not insist on financial benefits but only continuity of service.*

*18. Accordingly, these appeals are allowed, the impugned orders are set aside and the State is directed to pass a fresh order in accordance with law within one month from the date of receipt of a copy of this order."*

4 Dissatisfied with the orders passed by the Division Bench, State preferred SLP. The order passed by LPA Bench was stayed vide order dated 07.12.2009, passed by Supreme Court which reads as under :-

**"ORDER**

*Issue notice.*

*Mr. Abhijit P. Medh, advocate appears and accepts notice on behalf of the respondents.*

*Four weeks' time is granted to the respondent to file counter affidavits. Rejoinder affidavit, if necessary, be filed within two weeks thereafter.*



*In the meanwhile, the operation of the impugned judgment shall remain stayed.*

*[Usha Bhardwaj] [ Pushap Lata Bhardwaj ]*

*Court Master Court Master"*

5 Later on, order dated 07.12.2009 was modified vide order dated 24.08.2011 which reads as under :-

*"ORDER*

*Leave granted.*

*Ad interim order dated 7th December, 2009 is vacated.*

*We clarify that the pendency of these appeals shall not come in the way of the respondents in taking recourse to appropriate proceedings in case the impugned judgment is not implemented by the State.*

*The appeals will be heard on the SLP Paper Books. Additional documents, if any, may be file by the parties.*

*(VINOD LAKHINA) (KUSUM GULATI)*

*Court Master Court Master"*

6 Pursuant to the said order respondents vide order dated 06.12.2011 offered the petitioner to join service subject to certain conditions.

The operative part of the order dated 06.12.2011 reads as under :-

*4. And whereas, the matter has been examined and considered for compliance of the judgment dated 01.09.2009 and after consideration of the matter it has been decided that the petitioners be allowed to join service subject to the following conditions:-*

*(i) The petitioners will not be entitled to the financial benefits i.c. arrear of pay and allowances etc. for the period they remained out of service.*



(ii) *The petitioners will have to complete the training and the period of probation satisfactorily as per the rules.*

(iii) *Since a period of more than six years has passed after their services were dispensed with, their character and antecedents may be got verified and they may be got medically examined afresh before their joining service.*

(iv) *The joining of the petitioners shall be subject to the final decision of SLPS filed in the Hon'ble Supreme Court of India.*

5. *And now, therefore, this order is issued in compliance of order dated 01.09.2009 passed by the Hon'ble High Court in LPA No. 96 of 2009 and other connected LPAS."*

7 The petitioner instead of joining the post offered to her vide communication dated 08.12.2011 filed following response :-

- 10 -

To, Annexure R-2/T *RA*

Superintendent Police,  
Hisar.

Subject:- For joining the post of Sub Inspector of Police.

Sir,

It is submitted that I have joined your office as S.I. in December 2004 on the basis of HSSC selection. Before joining I was engaged on regular basis in the sanctioned post of S.D.K.M.V. in Narwana as P.T.I. At the time of being relieved from there, at the behest of the management, three months' salary was deposited. In October 2005, our services were dispensed with by the Haryana Government. Against that order, I filed a CWP No. 17590/2005 in the Punjab and Haryana High Court, Chandigarh. Which was dismissed on February 3, 2009, but the court had ordered about me to restore the old place where I was working. And even before that, in November 2007, according to the order of Director Education Department, I had joined the post of P.T.I. I filed an L.P.A. No. 758/2009 against the judgment dated 3 February 2009 which was allowed on 29.09.2011 on the basis of L.P.A. No. 96/2009 which is pending in the Supreme Court. I have not filed any COCP in the High Court. I will not file any COCP against the Government or any officer until the S.L.P is decided. But I will definitely claim my seniority and other benefits from 20 December 2004 because Department is now making me join subject to final decision of SLPs filed in the Hon'ble Supreme Court of India, which is not acceptable to me and because of the condition, I do not want to join now. When the decision of the Supreme Court comes, I will immediately join on the basis of all the benefits.

With Thanks.

Sushila  
D/o Hoshiar Singh  
V.P.O Laun, Teh-Narwana  
Distt. Jind.

Dated 8.12.2011



8 The appeals finally got dismissed by the Supreme Court vide order dated 22.05.2019.

9 The petitioner seeks implementation of the order passed by LPA Bench. The claim of the petitioner has been resisted by the respondents claiming that by now the petitioner has become over-age. The precise stand as formulated in the affidavit dated 18.10.2023 filed by DGP reads as under :-

*“8. That it is submitted that vide this office memo endorsement No. 42432-49/E(III)-2 dated 06.12.2011, units concerned were directed by sending list of all the petitioners, to send compliance report to this office by 08.12.2011. Thereafter, Superintendent of Police, Hisar vide his office No.19555-56/SPL dated 14.12.2011 had forwarded an application dated 08.12.2011 submitted by the petitioner Ms.Sushila Devi D/o Sh. Hoshiar Singh VPO Laun, PS Garhi, District Jind. In her application, the petitioner refused to join subject to final decision of SLP and further, communicated that she would join with all benefits after decision of SLP by the Hon'ble Supreme Court. A vernacular copy of communication date 08.12.2011 is annexed as Annexure R-1 and its true translated copy is annexed as Annexure R-1/T for kind perusal. It is pertinent to submit that 49 out of 50 Sub-Inspectors had joined service on the same conditions as offered to the petitioner after passing of order dated 06.12.2011, however, the petitioner did not join.*

10 Considering the aforesaid facts, this Court does not find that it is a case of willful or deliberate disobedience of the orders passed by this Court. It is admitted case, that pursuant to the order passed by Supreme Court dated 24.08.2011 whereby the stay order dated 07.12.2009 was

**COCP-539-2023 (O&M)**

**2025-PHHC-133318**



modified, the petitioner, along with other co-petitioners, was offered and allowed to join on the post of S.I., subject to final decision of SLP vide order dated 06.12.2011. Petitioner, however, in her own wisdom, opted not to accept the same. She having refused vide communication dated 08.12.2012 to accept the offer to join, cannot be allowed to cry foul alleging wilful disobedience by the respondents.

11 In view of above, finding no merits in the present contempt petition, the same is ordered to be dismissed.

**24.09.2025**  
*Pooja Sharma-I*

**( PANKAJ JAIN )**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No