



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

**COCP-1714-2025 (O&M)  
Date of decision : 05.05.2025**

**NITISH AND OTHERS**

...Petitioners

Versus

**SANDEEP KUMAR AND OTHERS**

....Respondents

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

Present : Mr. Sanjiv Gupta, Advocate  
for the petitioners.

Mr. S.K. Garg Narwana, Senior Advocate with  
Mr. Y.P. Malik, Mr. Vishal Garg Narwana, and  
Mr. Nitin Sachdeva, Advocates along with  
respondents No.1 & 3, in person.

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

1. Affidavit of Sandeep Khatkar, Assistant Registrar, Cooperative Societies Kaithal on behalf of respondent No.1 has been filed. The same is taken on record.

2. On 28.04.2025, following order was passed :

“[1] The present contempt petition alleges violation of the order passed by the Writ Court dated 24.02.2025 in CWP-851-2025, which was passed on the basis of statement suffered by the State Counsel. The operative part of the order passed by the Writ Court reads as under:-

*“Learned State Counsel, at the outset, submits that aforesaid ROR would be adjudicated within three months from today. She further submits that if the petitioners are*



*working as on date, they would continue to work till the adjudication of ROR.”*

[2] Affidavit was filed by respondent No.3-Maan Singh, wherein the factum of the contempt petitioners having been issued appointment letters and they having submitted their joining report pursuant thereto was admitted. The same reads as under:-

*“4. That inspector cooperative societies vide his letter dated 08.02.2024 written to ARCS Kaithal has pointed out all the serious lapses taken place in consideration of Agenda no.6 and proposed to debar the elected members of BOD for contesting future election of society and rescind the Resolution/Agenda no.6 under Section 27 of Haryana Cooperative Societies Act, 1984. ACRS vide his letter dated 02.07.2024 informed RCS, Haryana that matter has been referred to Deputy Registrar Cooperative Societies Kurukshetra for debarring the elected members from future election and rescinding of resolution. It has been made clear by ARCS in that letter that ARCS, Kaithal and DM Hafed, Kaithal have given dissent note in the society proceeding register and none of the employee is attending the society office and thus, no salary has been released to them till date.*

*That petitioners submitted their joining report but not reported for duty in society office thereafter.*

*Further vide letter no.144 dated 16.08.2024, deponent has informed Inspector Cooperative Societies that none of these employees were present and worked in the Society since passing of resolution and thus, no salary can be released to them as principle of attracted. no work no pay will be attracted.*

*That matter under Section 27 of Haryana Cooperative Societies Act regarding rescinding the resolution no.6 is pending to be decided before the Ld. DRCS, Kurukshetra.”*



[3] Today, affidavit of Shri Sandeep Khatkar, Assistant Registrar, Cooperative Societies, Kaithal, has been filed, wherein it is admitted that the revision petition No.57 of 2024 is pending before the Special Secretary, Corporation Department, Government of Haryana and is now fixed for 07.05.2025. However, it has been claimed that as per the affidavit received from Manager, Kaithal Co-operative Marketing-cum-Processing Society Limited, Kaithal, the petitioners though tendered their joining report but they never worked in the Society. In order to demonstrate the same, register of the Society has been appended along with the affidavit (Annexures R-1 & R-2). Further it has been submitted that the Manager Society has been suspended and he has been charge-sheeted for issuance of unlawful, wrong appointment letters and *qua* that, order has also been passed on 24.04.2025.

[4] In view of the above, this Court finds that *prima facie* both respondent Nos.1 & 3 have committed contempt of the orders passed by this Court dated 24.02.2025. The order was passed on the statement made by the State Counsel herself, wherein she undertook that the petitioners are working on the date of passing of the order, they would continue to work till the adjudication of the ROR.

[5] In view of the above, this Court frames following charge:-

- (i) That you have deliberately and intentionally disobeyed the order dated 24.02.2025 passed by this Court in CWP-851-2025 and thereby committed contempt of Court under Sections 10 & 12 of the Contempt of Courts Act, 1971.

[6] Respondent No.1 pleads not guilty and prays for time to reply to the charge.

[7] Respondent No.3 also pleads not guilty.

[8] Respondent Nos.1 & 3 to submit their affidavit(s) in response to the charge.

[9] Adjourned to 29.04.2025.



[10] Copy of this order be served on both the respondents under the signatures of the Court Secretary.”

3. There is no dispute regarding pendency of the revision petition. The issue is :

*‘Whether the petitioners were working on 24.02.2025 or not?’*

4. Appointment letters issued to the petitioners are also not in dispute. As per stand taken by the respondents, the joining reports submitted by the petitioners have been lost. Meaning thereby, furnishing of joining reports, is also not in dispute. Resolution w.r.t. appointment of the 14 petitioners, is also not in dispute. The respondents want to plead that the petitioners were appointed illegally. Admittedly, the issue is pending in revision petition which is yet to be decided. Resolution No.6, dated 22.12.2023 has been cancelled by Deputy Registrar Cooperative Societies only vide order dated 24.04.2025 i.e. after passing of the order by the Writ Court. Merely, for the reason that the petitioners were not being allowed to mark their presence, they cannot be held to be not working.

5. In view thereof, this Court finds that respondents No.1 and 3 are guilty of having committed Contempt of Court punishable under Section 12 of the Contempt of Courts Act, 1971.

6. Affidavit of Sandeep Khatkar, Assistant Registrar, Cooperative Societies Kaithal, filed on behalf of respondent No.1 today in Court, also shows that communication dated 28.03.2025 addressed by District Manager,





*From Para No.3 of aforesaid order, it is quite lucid that State counsel had submitted that if petitioners are working as on date, they would continue to work till the adjudication of ROR. She had not stated that petitioners are actually working. She had categorically stated that “if” they are working. Thus, it was very clear that petitioners would be allowed to work if they were working on 24.02.2025. Application stands disposed of with aforesaid observations.”*

2. Perusal of the order shows that the Writ Court has reiterated its order dated 24.02.2025.
3. Mr. Garg on the quantum of sentence submits that both the respondents are government servants.
4. Apart from the aforesaid admission, nothing material has been argued.
5. Petitioners are unemployed youth who have been forced to undergo multiple rounds of litigation. Despite there being specific order passed by the Writ Court allowing them to continue, the respondents have shown incorrigible attitude and least respect for rule of law.
6. In view thereof, each of them are sentenced to undergo imprisonment of one month. They are directed to be detained in civil prison.
7. At this stage, affidavits of respondents No.1 and 3 have been filed accompanied by applications filed under Sections 19(2) and 19(3) of the Contempt of Courts Act, 1971.



8. The convicts seek suspension of punishment to avail remedy of appeal as provided under Section 19 of the Contempt of Courts Act, 1971.
9. Sentence of the convicts i.e. respondents No.1 and 3 is ordered to be suspended for three weeks in order to avail remedy of appeal in accordance with law.
10. Contempt petition is disposed off.
11. Pending application(s) shall also stand disposed off.
12. A copy of this order be given to respondents No.1 and 3 under the signatures of the Bench Secretary of this Court.

**May 05, 2025**

**Dpr**

**(Pankaj Jain)**

**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No