



COCP-2219-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104)

COCP-2219-2025

Date of decision: - 03.07.2025

Swarnjeet Kaur and others

....Petitioners

Versus

Kumar Rahul and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Sunaina, Advocate
for Mr. H.C. Arora, Advocate
for the petitioners.

Mr. Surya Kumar, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present contempt petition has been filed under Section 12 of the Contempt of Courts Act, 1971, for seeking the prosecution of the respondents for deliberate and willful non-compliance of the order dated 13.12.2024 (Annexure P-1) passed by the Co-ordinate Bench of this Court.

2. Learned counsel for the petitioners has submitted that the Co-ordinate Bench of this Court, vide order dated 13.12.2024 (Annexure P-1) passed in CWP-33666-2024 disposed of the writ petition in the following terms: -

“1. Learned counsel for the petitioners submits that claim raised in the present petition is covered by the decision of this Court



*in **CWP No.19509 of 2020 decided on 29.11.2024 titled 'Indu Bala Vs. State of Punjab and others'** and respondents be directed to consider the claim of the petitioners in terms of the said judgment with regard to the eligibility and the grant of marks for the experience as being claimed by the petitioners for correctly evaluating their claim.*

2. *Notice of motion.*

3. *Mr. Amarpreet Singh Bains, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents-State and submits that in case, any representation is received, at the hands of the petitioners placing reliance upon the judgement in **Indu Bala (supra)** in the office of the concerned authorities, appropriate concentration will be given to the claim of the petitioners and appropriate order will be passed keeping in mind the judgment of this Court in **Indu Bala (supra)** within a period of 04 weeks from the date of the receipt of certified copy of this order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioners, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioners in the speaking order to be passed and the said order will be conveyed to the petitioners for their information and necessary action.*

4. *Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further with liberty to file appropriate representation with the respondents.*

5. *Ordered accordingly.*

6. *Pending applications, if any, also stand disposed of accordingly”*

3. Learned counsel for the petitioners has further submitted that the law laid down by this Court in “**CWP No.19509 of 2020, decided on 29.11.2024** titled as “**Indu Bala Vs. State of Punjab and others**” was to be kept in mind while passing the order dated 07.05.2025, but however, a perusal of the order dated 07.05.2025 would show that the said judgment



has not been taken into consideration.

5. Learned counsel for the petitioners has submitted that a perusal of the judgment in the case of ***Indu Bala (supra)*** (Annexure P-2) would show that the Co-ordinate Bench of this Court had opined that the benefit of marks for experience was required to be given to the petitioners therein for the experience they had gained while working under the National Health Mission at Chandigarh, as Chandigarh is to be treated as a part of the State of Punjab. It is further submitted that the Co-ordinate Bench of this Court in a similar contempt petition i.e. COCP-1888-2025 had passed the following order dated 29.05.2025:-

“1. Learned counsel for the respondents, on instructions from Dr. Jasinder, Director, Health Services (Family Welfare), Punjab, who has joined the proceedings through video conferencing, submits that the experience of the petitioner while working with Chandigarh Department shall be taken into consideration and petitioner shall be offered appointment within 03 weeks from today.

2. In view thereof, no cause survives in the present petition, as such, the same is disposed of. Rule stands discharged.

3. However, in case, needful is not done as per the aforesaid undertaking extended on behalf of respondents, 1/3rd salary of respondent No.2 shall remain attached till the compliance is made.

4. Pending applications, if any, also stand disposed of.”

6. Learned State counsel, on instructions from Mr. Gagandeep Singh, Senior Assistant, office of Director Health Services (Family Welfare), Punjab, has submitted that the respondents would withdraw the order dated 07.05.2025 and would pass a fresh order after taking into consideration the law laid down in ***Indu Bala (supra)*** (Annexure P-2) and the needful would be done within a period of five weeks from today

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positively and the consequential benefits would also be given to the petitioners within the said period of five weeks.

7. Learned counsel for the petitioners has submitted that in view of the statement made by the respondents, the present contempt petition be disposed of, at this stage, but liberty be granted to the petitioners to revive the case in case the respondents back-track from the undertaking given before this Court.

8. In view of the above, the present contempt petition is disposed of, with the aforesaid liberty.

July 03, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No