



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

COCP-1867-2025

Decided on : 14.07.2025

Parveen Kumar

..... Petitioner

Versus

Anurag Rastogi, I.A.S. and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajesh K. Kataria, Advocate, Advocate
for the petitioner.

Mr. P.K.Longia, DAG, Haryana.

VIKRAM AGGARWAL, J(ORAL)

The present contempt petition has been preferred under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Contempt Act') seeking initiation of proceedings against the respondents for non-compliance and wilful disobedience of order dated 15.04.2024 (Annexure P-1), passed in CWP No.6982 of 2017 titled as Jagdish Ram (since deceased) through LRs Versus State of Haryana and others. The petitioner is the son of Jagdish Ram who is stated to have expired.

2(i). The facts, as emanating from the contempt petition, are that Jagdish Ram was appointed as a part-time sweeper in the office of Naib Tehsildar, Ladwa, District Kurukshetra on 08.05.1985 on daily wages. He sought regularization of his services in terms of the policies issued from time to time. His grievance was that one Raj Kumar had been regularized on the post of sweeper on 08.08.2005



despite being junior to Jagdish Ram.

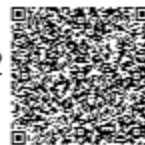
2(ii). Aggrieved by the said action, CWP No.28740 of 2013 was filed by Jagdish Ram which was disposed of with a direction to the Deputy Commissioner, Kurukshetra to decide his representation. However, vide order dated 09.04.2014, his claim was rejected on the ground that there were only two sanctioned posts of Sweeper in Kurukshetra District which had already been filled up.

2(iii). Jagdish Ram then again preferred CWP No.6982 of 2017. During the pendency of the said writ petition, Jagdish Ram expired and the present petitioner alongwith other legal representatives was impleaded. The said writ petition was disposed of vide order dated 15.04.2024 (Annexure P-1) in terms of the judgment dated 13.03.2024, passed in CWP No.2158 of 2020 titled as Ashish Sharma and others versus State of Haryana and others. It is the grievance of the petitioner that the said directions have not been complied with.

3(i). Upon notice having been issued, affidavit of the Deputy Commissioner, Kurukshetra was filed in which it was submitted that in compliance of the order dated 15.04.2024, speaking order dated 02.05.2025 (Annexure R-1) had been passed.

3(ii). Thereafter, pursuant to directions issued by this Court vide order dated 20.05.2025, another affidavit of the Deputy Commissioner, Kurukshetra has been filed in which it has been stated that Raj Kumar was senior to Jagdish Ram since Raj Kumar had been appointed in the year 1983 and Jagdish Ram had been appointed in 1985. A certificate (Annexure R-1), issued by the Sub Division Officer (c), Pehowa has also been placed on record in this regard.

4. I have heard learned counsel for the parties.



5. Learned counsel for the petitioner has strenuously urged that the respondents have committed wilful disobedience of the order passed by the Coordinate Bench on 15.04.2024. He submits that the speaking order now stated to have been passed on 02.05.2025 is the same as that passed earlier on 09.04.2014 and in fact it is verbatim. He submits that this alone proves that the respondents have committed wilful disobedience of the orders passed by the Coordinate Bench.

6. Per contra, learned Deputy Advocate General, Haryana has submitted that the directions issued by the Coordinate Bench of this Court in CWP No.28740 of 2013 were complied with by passing an order dated 09.04.2014 despite which Jagdish Ram preferred CWP No.6982 of 2017. Learned counsel submits that in CWP No.6982 of 2017, Jagdish Ram did not assail the order dated 09.04.2014 and again made a prayer for regularization as had been made in CWP No.28740 of 2013. Learned counsel has submitted that the stand of the State is the same and, therefore, a fresh speaking order has also been passed.

7. I have considered the submissions made by learned counsel for the parties.

8. Record of CWP No.6982 of 2017 was also summoned.

9(i). Jagdish Ram claimed to have been appointed as a part-time sweeper in the office of Naib Tehsildar, Ladwa, District Kurukshetra on 08.05.1985 on daily wage basis. For, he was aggrieved by the action of the respondents in not regularizing his services, instituted CWP No.28740 of 2013. The prayer made in the head-note of the said writ petition is as under:-

“Civil writ petition under Articles 226/227 of Constitution of India



for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioner in view of the Haryana Government Notification dated 29.07.2011 (P-1) regarding the regularization of Group 'C' and Group 'D' part-time employees appointed/engaged on adhoc/contract/work charged/daily wages and part-time basis."

9(ii). The said writ petition was disposed of vide order dated 08.01.2014;

Petitioner in the present writ petition has averred that he was appointed as a part-time Sweeper in the office of Naib Tehsildar, Ladwa, District Kurukshetra against a vacant post on 01.01.1985 on daily wage basis. He continued in service as a part-time worker from the said date till the year, 2010 when as per the policy of the Government, the work of Sweeper was outsourced and the petitioner thereafter is continuing on contract basis. As per the policy issued by the State of Haryana dated 29.07.2011 (Annexure P-1), petitioner fulfills the requisite conditions for regularization of his services. In the light of the said instructions, petitioner has submitted a representation for regularization of his services on the post of Sweeper, which has, on consideration, been forwarded by the Naib Tehsildar, Ladwa on 18.04.2013 to the Sub-Divisional Officer(C) Thanesar (Annexure P-2). The claim of the petitioner is stated to have not been finalized till date by the Deputy Commissioner, Kurukshetra-respondent No. 3, who is the competent authority for passing the order of regularization.

Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Deputy Commissioner, Kurukshetra-respondent No. 3 to consider and decide the representation of the petitioner duly forwarded by the Naib Tehsildar, Ladwa dated 18.04.2013 (Annexure P-2) within some specified time.



In the light of the above statement made by the counsel for the petitioner, the present petition is disposed of with directions to the Deputy Commissioner, Kurukshetra-respondent No. 3 to consider and decide the representation of the petitioner duly forwarded by the Naib Tehsildar, Ladwa dated 18.04.2013 (Annexure P-2) within a period of three months from the date of receipt of certified copy of this order. Copy of the writ petition be also supplied to the concerned authority along with the copy of the order. Decision so taken be conveyed to the petitioner forthwith.”

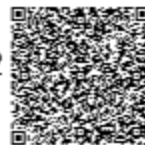
9(iii). In compliance of the aforesaid directions, order dated 09.04.2014 (Annexure P-9 in CWP No.6982 of 2017) was passed vide which the claim of Jagdish Ram was rejected.

9(iv). Instead of assailing the said order, Jagdish Ram preferred another writ petition i.e. CWP No.6982 of 2017;

“Civil Writ Petition under Articles 226/227 of Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to regularize the services of the petitioner on the post of sweeper in view of the Haryana Government notifications issued from time to time regarding the regularization of Group ‘D’ part-time employees appointed/ engaged on adhoc/ contract/ work charged/ daily wages and part-time basis.”

9(v). The said writ petition was disposed of vide order dated 15.04.2024 in terms of *CWP No.2158 of 2020* titled as *Ashish Sharma and others versus State of Haryana and others*.

9(vi). In the said writ petition i.e. CWP No.2158 of 2020, the following order had been passed on 13.03.2024:-



“43. In view of the above, the writ petitions are disposed of in the terms and conditions mentioned herein before. Let the respondent-State pass appropriate speaking order as directed herein before. In case, any of the petitioner is found entitled for regularization/retrospective regularization of services from the date employees junior to him/her has been regularized, they will be granted the said date of regularization otherwise due reasons be mentioned in the speaking order keeping in mind the directions given by the Court herein before so as to decide the eligibility of each petitioners qua their respective claims. Further in case any of the petitioners is found entitled for regularization of his services retrospectively the said benefit shall be given notionally, no arrears will be granted to the petitioners up to the date of filing of the respective petitions. The petitioners will be entitled for fixing of their salaries from the date of regularization notionally and the arrears will only be extended from the date of filing of their respective petitions before this Court and if any of the petitioners has already retired, his/her pensionary benefits will also be fixed/revised and arrears will also be extended from the date of filing the petition by the said petitioner.”

9(vii). In compliance of the same, the order dated 02.05.2025 has been passed in which again the claim of Jagdish Ram was rejected.

9(viii). If one peruses the prayer made by Jagdish Ram in CWP No.28740 of 2013 (ibid), the order passed thereon on 08.01.2014 (ibid), the speaking order passed on 09.04.2014 (ibid), the prayer in CWP No.6982 of 2017 (ibid), the order passed thereon on 15.04.2024 (ibid), the directions issued on 13.03.2024 in **CWP No.2158 of 2020** titled as **Ashish Sharma and others versus State of Haryana and others** (ibid) and the order now passed on 02.05.2025 (ibid) as also the



affidavit (ibid) stating that Raj Kumar was senior to Jagdish Ram, this Court is of the firm conclusion that no disobedience of the orders passed by this Court has been caused. Respondents have duly complied with the directions and have passed speaking orders on both occasions. If the petitioner is aggrieved of the speaking orders, they can very well be challenged in appropriate proceedings, if so advised. However, in so far as the instant petition is concerned, no wilful disobedience, as stated above, is found to have been caused warranting further proceedings to be initiated.

In view thereof, I do not find any merit in the present contempt petition and the same is accordingly dismissed.

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

14.07.2025

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(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No