

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

COCP-2038-2025 (O&M)
Reserved on : 29.05.2025
Pronounced on: 03.07.2025

Bahadur Singh and anotherPetitioners

V/s

Kap Sinha and anotherRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Arguing by: Mr. Akshit Pathania, Advocate for
Mr. Vivek K. Thakur, Advocate, for the petitioners.

Mr. Gunjan Mehta, Addl. Advocate General, Punjab and
Ms. Shiny Chopra, AAG, Punjab.

VIKRAM AGGARWAL, J.

The petitioners have instituted the instant petition under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as the “1971 Act”) seeking initiation of contempt proceedings against the respondents for their willful and intentional disobedience of directions issued vide judgment dated 24.09.2024 (Annexure P-1) passed in CWP-11697-2022, titled as ***Bahadur Singh and another V/s State of Punjab and others.***

2. Petitioner No.1 (Bahadur Singh) is a Padam Shri Awardee of 2006. He was also conferred the Maharaja Ranjit Singh Award in 1999. He is an athlete of international repute, having participated in the Olympic Games-2000 and 2004 and Asian Games in 1998 and 2002 and other coveted tournaments. He is stated to be a Gold Medal Awardee in the Asian Games held in 2002.

3. Petitioner No.2 (Manjit Singh) is also an athlete of international repute having won a Gold Medal in the Junior Asian Championship held in



1992 and having participated in various other championships, the details of which have been set out in the petition.

4. In recognition of their outstanding achievements, they were appointed as Constables in Punjab Police in 1990. They were granted out of turn promotions. They were promoted to the post of Deputy Superintendent of Police in 2001 (Annexure P-3). They were also designated as Superintendent of Police in 2010 and 2011 respectively in the regular cadre of DSPs (Annexure P-4).

5. As is the case in most services, a seniority dispute erupted between the members of the cadre as a result of which, the petitioners preferred CWP-11697-2022 seeking setting aside of the seniority list dated 03.07.2020 vide which their names had been excluded from the final seniority list.

6. The aforesaid writ petition was decided vide judgment dated 24.09.2024 (Annexure P-1) by a coordinate Bench. A direction was issued to the respondents to create posts of higher ranks i.e. SP/SSP/AIG/DIG and ADGP for 207 sportspersons belonging to the dying cadre, which had been created vide order dated 18.05.2011. A time frame of six months was fixed for the creation of the aforesaid posts of higher ranks. It was further directed that in case the said posts were not created within a period of six months, the petitioners would form part of the seniority list of regular cadre of DSPs.

7. The grievance of the petitioners is that despite the lapse of six months, posts of higher ranks have not been created and, therefore, the petitioners are entitled to be a part of the seniority list of regular cadre of DSPs. They allege willful disobedience of the directions issued on 24.09.2024 and also seek compliance of the same.



8. Upon notice having been issued, a status report by way of affidavit of Sh. Alok Shekhar, Addl. Chief Secretary, Department of Home, Government of Punjab, was filed, stating that the State had drafted '207 Specially Promoted Cadre Service Rules, 2025' after obtaining approval from the Department of Personnel, Department of Finance and the Punjab Public Service Commission. It was also averred that the petitioners, on one hand had filed LPA No.2436-2024 challenging the judgment dated 24.09.2024 and on the other hand, had instituted the instant contempt petition. It was further averred that due to administrative exigencies, the draft rules were pending approval by the Cabinet and that the process was underway and was likely to be completed shortly.

9. Subsequently, an additional affidavit was filed giving the time line of the process of framing/approval of the said rules. As per the same, after judgment dated 24.09.2024 having been put up before the Chief Minister of the State on 04.10.2024, directions were issued on 05.10.2024 to prepare the proposal for a separate promotional channel and various other dates have been set out in the affidavit, which shall be discussed at the relevant stage.

10. Learned counsel for the parties were heard.

11. Mr. Akshit Pathania, learned counsel representing the petitioners, vehemently submitted and strenuously urged that since the time limit of six months had been breached, the petitioners were entitled to be a part of the seniority list of the regular cadre of DSPs. He vociferously submitted that the directions issued by the coordinate Bench were to be complied with in letter and spirit and the purpose of a contempt petition is not only to punish the violators but is also implementation of the directions issued.



11.1 Learned counsel referred to the judgment dated 24.09.2024 in detail. Reference was also made to the response submitted by the respondents and it was submitted that there is absolutely no reason for the respondents to not include the petitioners in the seniority list of the regular cadre of DSPs, once rules had not been framed within the time frame fixed by the coordinate Bench.

11.2 Learned counsel submitted that the letters patent appeal filed by the petitioners had been withdrawn and that the challenge in the said appeal was even otherwise limited to a particular point. Learned counsel submitted that no application has been filed by the State for any extension of time and once the period of six months had elapsed, the petitioners ought to be included in the seniority list of the regular cadre of DSPs. In support of his contentions, he placed reliance upon the following judgments:

1. ***Rupa and Co. Limited and another vs. Firhad Hakim and others, 2025 INSC 245;***
2. ***CELIR LLP vs. Mr. Sumati Prasad Bafna and others, 2024 INSC 978;***
3. ***Debibrata Chattopadhyay vs. Jharna Ghosh and another, (Contempt Petition (C) No.320 of 2022 in Civil Appeal No.8264-2016, decided on 26.08.2022);***
4. ***State Bank of India and others vs. Dr. Vijay Mallya, 2022(9) Scale 910;***
5. ***Patel Rajnikant Dhulabhai and another vs. Patel Chandrakant Dhulabhai and others, (2008) 14 SCC 561;***
6. ***Maninderjit Singh Bitta vs. Union of India and others, (2012) 1 SCC 273;***
7. ***Kanwar Singh Saini vs. High Court of Delhi, (2012) 4 SCC 307;***
8. ***K. Mallaiah and others vs. Sandeep Kumar Sultania and others, 2015 SCC OnLine Hyd 261;***
9. ***Vivek Sarin vs. Multi Metal Udyog, (CACP-3-1998,***



decided on 03.11.1998 by a Division Bench of this Court).

12. *Per contra*, Mr. Gunjan Mehta, learned Addl. Advocate General, Punjab submitted that there had been no willful disobedience of the directions issued vide judgment dated 24.09.2024 and that within days of the issuance of the said directions, the process for framing of rules had been initiated. He submitted that the Cabinet had already approved the rules and that the same were likely to be notified shortly.

13. I have considered the submission made by learned counsel for the parties and have perused the paper book.

14. Section 2(b) of the 1971 Act defines civil contempt and Section 2(c) defines criminal contempt. We are here dealing with civil contempt, which is defined in Section 2(b) of the 1971 Act;

2. Definitions.—In this Act, unless the context otherwise requires
(a) xxx xxx xxx
(b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;
xxx xxx xxx”

A perusal of the aforesaid shows that civil contempt means willful disobedience to any judgment/decreed/direction/order/writ or any other process of a Court of willful breach of an undertaking given to a Court. The provision, therefore, has two parts. The first part is disobedience or breach and second part is willful disobedience or a breach. It, therefore, means that the disobedience or breach should be willful. Whether a breach is willful or not, would have to be determined by the Court concerned.

15. A Division Bench of this Court traced the entire law on contempts in the case of ***Court on its motion vs. N.S. Kanwar, 1995 (1) RCR (Cr1.) 201;***



“12. The idea of contempt of court has emerged with the emergence of the rule of law and generally speaking any conduct that tends to bring the authority and administration of law into disrepute or disrespect or any act which interfere with the administration of justice is contempt of court.

13. In India the history of "law of contempt" can be traced as early as in 1560 (Mughal period). Instances can be found in Tabaquat quoted by sterling in "crime and punishment in Mughal India". While Akbar was on his way to Punjab, Shah Abdul Mohwali in Jagrana of Hajar wanted to salute him while seated on his horse. Akbar felt annoyed and handed him over to Shahabuddin Ahmed Khan to be kept in custody as a prisoner. In Kautilya's Arthashastra, details can be found regarding the theory of contempt of King and King's Council. Even judges who violated law were held liable for punishment. Kautilya was of the view that all persons who violated law were to be punished including who administer law and in fact in the later case the punishment would be mere severe.

14. Oswald in his work on 'contempt of Court' defines contempt as any conduct that tends to bring the authority and administration of law into dis-respect of disrepute or to interfere with or prejudice parties or their witnesses during litigation.

15. The law of contempt of court in the modern sense as developed in our country is on the pattern of English Law. Source to punish contempt was an inherent power in England with all the courts of record. As soon as the courts of record were established India under different charters, the power to punish contempt was necessarily given to these courts. When the Constitution of India came into force in 1950 some provisions relating to contempt matters were also included in it. The contempt of the Supreme Court and the High Courts as topics for legislation have been mentioned in the Union list and Concurrent List. In the year 1952, the Parliament enacted the contempt of Courts Act, 1952. After examining the law of contempt which developed during a period of almost two decades, the Parliament enacted the Contempt of Courts Act, 1971. Under the Act of 1971, the term 'Contempt' has been defined in section 2, while section 2(b) defines Civil Contempts, section 2(c) defines 'Criminal Contempt'. For the purpose of the present case, it is sufficient to make reference to section 2(a) and (b) of 1971 Act :-

"2. In this Act unless the context otherwise requires (a) 'Contempt of Court' means civil contempt or criminal contempt; (b) 'Civil Contempt' means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wil-



ful breach of an undertaking given to a court." "The above quoted definition is in consonance with the views expressed by the English and Indian Courts from time to time and the Parliament in India has tried to give a concrete shape to the law of contempt by enacting 'Contempt of Courts Act, 1971'. The object of contempt proceedings is primarily to protect the public confidence in the system of administration of justice.

16. In Brahm Prakash Sharma v. State of U.P., AIR 1954 Supreme Court 10, the Hon'ble Supreme Court underlined the object of contempt proceedings in the following words :-

"The summary jurisdiction exercised by superior courts in punishing contempt of their authority exists for the purpose of preventing interference with the course of justice and for maintaining the authority of law as is administered in the courts. The object of contempt proceedings is not to afford protection to Judges personally from imputations to which they may be exposed as individuals, it is intended to be a protection to the public whose interests would be very much affected if by the act or conduct of any party, the sense of confidence which people have in the administration of justice by it is weakened."

17. In Aligarh Municipal Board v. Ekka Tonga Mazdoor Union and others, AIR 1970 Supreme Court 1767, the Supreme Court has observed as under :

"The contempt proceedings against a person who has failed to comply with the courts order serves a dual purpose; (1) vindication of the public interest by punishment of contemptuous conduct and (2) coercion to compel the contemner to do what the law requires of him."

18. In Advocate General Bijar v. Madhya Pradesh, Khair Industries, 1980(3) SCC 311, the Supreme Court held :-

"It may be necessary to punish as a contempt, a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and affects the interest of the public in the administration of justice. The Court has the power to commit for contempt of court, not in order to protect the dignity of the Court against insult or injury as the expression "contempt of Court" may seem to suggest, but to protect and to vindicate the right of the public that the administration of justice shall not be prevented, prejudiced, obstructed or interfered with. "It is a mode of vindicating the majesty of law, in its active manifestation against obstruction and outrage."



19. *In Hedkinson v. Hedkinson, 1952(2) All England Reporter 567, it has been held :*

"It is the plain and unqualified obligation of every person against or in respect of whom the order is made by a court of competent jurisdiction to obey it unless and until the order is discharged. The uncompromised nature of this obligation is shown by the fact that it extends even to cases where the persons affected by the order believes it to be irregular or even void."

Again in Jennison v. Backer, AIR 1972(1) All England Reporter 997 Curtish Releigh, J. observed :-

"The law should not be seen to sit by simply, while those who defy it go free and those who seek its protection loose hope;"

In Bardkanta Mishra v. Bhimsen Dixit, AIR 1972 Supreme Court 2466, the Supreme Court observed as under :-

"The contempt of court is disobedience to the court by acting in opposition to the authority, justice, dignity thereof. It signifies a wilful disregard or disobedience dignity of the court's order. it also signifies such conduct as tends to bring the authority of the court and the administration of law into disrepute (vide 17 (Corpus Juris Secundum pages 5 and 6; Contempt by Edward N. Dancel (1939) End. page 14, Oswald's Contempt of Court (1910) Edn. pages 5 and 6)."

20. *These authorities clearly show that every one howsoever high he may be, is bound to carry out the courts order. The order passed by a court of competent jurisdiction is binding on all concerned. Those who disregard the Court's order, do so at their own peril. No one can think himself above the law and the court is under a duty to see that confidence of the public in the institution of courts is not shaken by the executive authorities by their disregard to the orders of the Court."*

16. In the case of *Dr. Iqbal Singh vs. Vikas Partap and another*, (COCP-1730-2017, decided on 18.09.2019), a coordinate Bench of this Court held that a Court must confine itself to the four corners of the directions issued and that the scope could not be enlarged. It was held that the onus was on the petitioner to prove willful disobedience and that a Court could not proceed on surmises and conjectures.



17. In *Niaz Mohammad and others vs. State of Haryana and others*, AIR 1995 SC 308, it was held by a Three Judges Bench of the Supreme Court of India that before a contemner is punished for non-compliance of the directions of a Court, the Court must not only be satisfied about the disobedience but should also be satisfied that such disobedience was willful and intentional;

“9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Act') defines "Civil contempt to mean "wilful disobedience to any judgment, decree, direction, order writ or other process of a court... Where the contempt consists in failure to comply with or carry out an order of a Court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the Court for initiating proceeding for contempt against the alleged contemner, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under Code of Civil Procedure. The Party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether the alleged contemner should be punished for not having complied and carried out the direction of the Court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court, Before a contemner is punished for non compliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such disobedience was wilful and intentional. The Civil Court while executing a decree against the judgment debtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the Court to initiate the proceeding for contempt for disobedience of its order, before any such contemner is held guilty and punished, the Court has to record a finding that such disobedience was wilful and intentional. If from the circumstances of a particular case, brought to the notice of the Court, the Court is



satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for the contemner to comply with the order, the Court may not punish the alleged contemner.”

18. The judgments relied upon by learned counsel for the petitioners also talk about willful disobedience. Few judgments also reiterate the settled principle of law that orders passed and directions issued have to be given effect in letter and spirit and the said directions cannot be permitted to be treated as a paper order.

19. In the backdrop of the statutory and legal position, as noted above, this Court proceeds to examine as to whether the respondents can be said to have committed civil contempt and whether proceedings on this account are required to be initiated against them.

20. The concluding and operative part of the judgment dated 24.09.2024 passed in CWP-11697-2022 is as under:-

“30. There is another aspect of the matter which needs to be examined. The petitioners are sportsperson and on account of their achievements at National and International Level, they were appointed as well as out-of-turn promoted. The petitioners were appointed in 1990 and reached to the rank of DSP in 2001. They were holding posts of Inspector in 1994 and thereafter, promoted to the rank of DSP without out-of-turn promotion. Their promotion was regular promotion. Later on, they got rank of DSP in 2001 and if it is held that they cannot be further promoted, it would amount to stagnation of their rank and post. An officer cannot be expected to hold a post forever especially when persons holding same rank are promoted. If they are retained on the post of DSP, it would indirectly amount to de-recognition of their achievements in sports. This Court is not oblivious of the fact that different State Governments in recent past have even made initial appointments on the post of DSP.

31. The respondent by noting dated 18.05.2021 has formed an opinion that petitioners cannot be made part of regular cadre, however, posts of higher ranks of SP/SSP/AIG/DIG and ADGP would be created as a measure personal. The said opinion was formed in 2021 and it was duly approved by the Chief Minister, however, till



date the respondent has not created additional or ex-cadre posts of higher ranks for the petitioners.

32. In the wake of above discussion and findings, this Court is of the considered opinion that respondent should create posts of higher ranks i.e. SP/SSP/AIG/DIG and ADGP for 207 sportspersons belonging to dying cadre created by order dated 18.05.2011. The needful shall be done within six months from today. In case, the respondent fails to create aforesaid posts within aforesaid period, the petitioners shall form part of seniority list of regular cadre of DSP.”

21. We would primarily be concerned with the directions issued in para 32 of the judgment directing the respondents to create posts of higher ranks for 207 sportspersons belonging to the dying cadre created vide order dated 18.05.2011. It was directed that the needful be done within six months from 24.09.2024 and in case the aforesaid posts were not created within the aforesaid period, the petitioners would form part of the seniority list of regular cadre of DSPs.

22. The time line given in the additional affidavit filed by the State of Punjab is as under:-

Sr. No.	Particular	Date
1	Judgment dated 24.09.2024 put up before Hon'ble CM by Secretary (Home) with following proposal: "In the event of approval the proposal for creating a seprate channel of promotions shall be prepared and resubmitted for consideration and approval."	04.10.2024
2	Hon'ble CM directed to prepare proposal for seprate promotion channel	05.10.2024
3	Meeting fixed by Secretary (Home) to discuss draft rules	09.10.2024
4	Service particulars of 207 Dying Cadre employees sought from DGP Office	14.10.2024
5	Certified copy of the judgment dated 24.09.2024 was received	15.10.2024
6	Meeting held under Secretary (Home) to discuss draft Rules	05.12.2024



7	Meeting held to finalize draft Rules	08.01.2025
8	Draft Rules forwarded to Departments of Personnel and Finance	16.01.2025
9	Draft Rules and files moved to all concerned departments and Hon'ble CM	28.01.2025
10	Approval of Hon'ble CM on draft Rules received	06.03.2025
11	Advice of Department of Finance received	12.03.2025
12	Advice of Punjab Public Service Commission received	13.03.2025
13	Advice of Department of Personnel received	21.03.2025
14	File sent to Legal Remembrancer, Punjab for vetting	25.03.2025
15	Draft Rules vetted by Legal Remembrancer	01.04.2025
16	File sent to Hon'ble CM for Cabinet approval	03.04.2025
17	Approval of Hon'ble CM received	09.04.2025
18	Worthy Chief Secretary approved file for Cabinet consideration	28.04.2025
19	File sent to Cabinet Affairs Branch	02.05.2025
20	Cabinet approved draft	23.05.2025

A perusal of the aforesaid time line shows that within 10 days of issuance of the directions, the matter was put up before the Chief Minister of State of Punjab and the process was set rolling. The time line does not show any inordinate delay at any stage. It has to be borne in mind that such process does take time. No doubt, the State was duty bound to implement the directions in letter and spirit and if it was not in a position to comply with the directions within a period of six months, it should have availed its remedies. The same was, however, not done. At the same time, the petitioners also filed a letters patent appeal impugning the judgment in question. The argument that the challenge was on a limited point is devoid of merit. If we examine the matter in its totality, it emerges that the State had initiated the process of implementing the first part of the directions in the right earnest without any delay. There was, therefore, no willful attempt to not comply with the directions or to disobey the same. The petitioners, it appears, want to get the second part of the directions implemented instead of



the first part of the directions and for the said purpose, they have instituted the present contempt petition. This Court, would record that the level of urgency which was projected in the matter appeared to be an attempt to pressurize the respondents with the institution of contempt petition. This would never be the scope of a contempt petition. Courts would never hesitate to strike down any attempt to disobey the directions passed a Court of law and would not hesitate to inflict the strictest of punishments on this account but at the same time, it would not permit misuse or abuse of the provisions.

23. As has been noticed in the preceding paragraphs, the additional affidavit filed by the respondents clearly shows timely initiation of the process as regards implementation of the directions issued vide judgment dated 24.09.2024 passed in CWP-11697-2022. When the matter was argued, the Cabinet had granted its approval to the draft rules and, therefore, this Court does not find it to be a case, where contempt proceedings would be required to proceed further.

24. That being so, I do not find any merit in the instant contempt petition and the same is accordingly dismissed.

Pronounced on: 03.07.2025

vchgarg

**(VIKRAM AGGARWAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No