



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

COCP-1147-2005 (O&M)

Date of Decision: 29.08.2025

Court on its own motion

.... Petitioner

Versus

Sh. Rahul Gupta and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Sidhi Bansal, Advocate for respondent No. 1.

Mr. Manmeet Singh Teji, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

1. The present contempt petition has been initiated by the Court on its own motion against respondents No. 1 and 2, namely, Rahul Gupta and Sukhjit Pal Singh.

2. Brief factual background of the case is that against an advertisement of 1998 appointments were made to the Punjab Civil Services (Executive Branch) and Allied Services on recommendations of the Punjab Public Service Commission. As it was found that there were widespread irregularities in the said appointments, the services of the appointees (including the contempt petitioners, namely, Jiwan Kumar Garg and Randeep Singh), were terminated vide different orders dated 23.5.2002, 24.8.2002 and 27.9.2002 issued by the State Government. The terminated employees had filed several writ petitions before this Court, including CWP-8421-2002, titled as 'Amarbir Singh vs. State of Punjab and others'; which was decided by the Hon'ble Full Bench of this Court vide order dated 07.07.2003, whereby it was found that there had been



vide scale tampering in the marks in the answer sheets of the candidates resulting in cancellation of the appointments of the deserving candidates. Resultantly, the Hon'ble Full Bench had directed that another chance be given to all candidates, including the selected candidates, to get selected on merit by participating in the selections to be made afresh; in the following terms as contained in para 23 of the judgment dated 7.7.2003: –

“23. However, It may be noticed that in order to mitigate the hardship of the deserving candidates who have been thrown out of employment the State Government has, while cancelling the selections decided, in all fairness, to the candidates, to give to all of them another chance to get selected on merit by participating in the selections to be made afresh. The learned senior counsel - Shri Rakesh Dwivedi appearing for the State of Punjab also gave an assurance to the Court that all the candidates who participated in the earlier selections which have been declared null and void will be allowed to take part in the selection process to be held afresh no matter some of them may have by now crossed the age limit. He further assured us that such of the candidates who get selected again to the same service will be given their seniority with retrospective effect as if they had joined the service on their earlier appointment/selection. This is a very fair offer by the Government and no candidate should have any grievance.”

3. Pursuant to the above, the exam was re-conducted in year 2003. The contempt petitioners, namely, Jiwan Kumar Garg and Randeep Singh, who had been selected and appointed in the first round; and whose services had been terminated vide order dated 23.05.2002; and who had taken the written test and viva voce examination and were successful in the second round in 2003; however, were not appointed, had filed COCP-



906-2004, titled as 'Jiwan Kumar Garg and another vs. Sh. Jai Singh Gill and others' for violation of the undertaking given by the respondent-State to this Court in para No. 23 of the judgment dated 7.7.2003 in *Amarbir Singh's case (supra)*, reproduced above.

4. In COCP 906-2004 vide order dated 12.09.2005, this Court had initiated *suo moto* contempt against respondents No. 1 and 2, namely, Rahul Gupta and Sukhjit Pal Singh, as it was found that they have been re-appointed in the test held by the State of Punjab; whereas Jiwan Kumar Garg and Randeep Singh (petitioners in COCP-906-2004), have been refused appointments. It may be pointed out that it was noted in the aforesaid judgment in *Amarbir Singh's case (supra)* that respondent No. 1-Rahul Gupta, had originally been awarded 46 marks which had been increased by overwriting to 67. Accordingly, a separate contempt petition was directed to be registered against respondents No. 1 and 2, namely, Rahul Gupta and Sukhjit Pal Singh.

5. In pursuance to the *suo moto* contempt petition, a reply dated 01.05.2006, has been filed by way of affidavit of Sh. Jai Singh Gill (Retd.), Chief Secretary to Government of Punjab, respondent No. 3, who has stated therein that appointments of 05 candidates including Rahul Gupta-respondent No. 1 herein, Kamal Kumar, Randip Singh, Jiwan Kumar Garg, Sukhjit Pal Singh/respondent No. 2 herein who had been re-selected/selected and recommended by the PPSC to PCS (EB) and Allied Services Examination, 1998 (Re-conduct 2003), were withheld as per decision contained in communication dated 28.5.2004 (Annexure R-3/I). Relevant paragraph Nos. 8 and 9 of the reply dated 01.05.2006, reads as follows: -



“8. That to examine the cases of S/Shri Rahul Gupta, Kamal Kumar and Sukhjit Pal who had been recommended to PCS (EB), the Chief Director Vigilance was asked to intimate latest input with respect to above said three persons. The Department of Vigilance intimated vide its communication ID No. 7/29/02-4BE/ 17629, dated 8-4-2004 (Annexure R-3/II) that during the investigation conducted till date, no evidence regarding payment of bribery in selection of Rahul Gupta had come on record It was also intimated that the overwriting/cutting, which was found in Punjabi Paper of Shri Rahul Gupta, the same was done by the examiner as per report of the hand writing expert and there appears to be no malafide in making overwriting/cutting. The Vigilance Department further reported vide (Annexure R-3/IV) that there was no specific evidence against Shri Rahul Gupta and hence the Vigilance Department has no intention to file challan against Shri Rahul Gupta. Similarly the Vigilance Department intimated that as per report of Investigating Officer there was nothing against Shri Sukhjit Pal Singh and accordingly, Vigilance Department has decided to discharge him, as the allegation against him had not been substantiated. It is pertinent to mention here that Sh. Sukhjit Pal Singh was not earlier appointed in the PCS (EB) and Allied Services. He has now been selected in the Re-conduct Recruitment Process and his name also does not figure in the Judgment of Hon'ble Full Bench of this Hon'ble Court. In case of Kamal Kumar, the Vigilance Department had intimated that as per statement of Shri Randhir Singh alias Dhira, Shri Kamal Kumar had paid a sum of Rs.50.00 lacs as bribery to Shri Ravinder Pal Singh Sidhu, former Chairman PPSC, through Shri Randhir Singh alias Dhira for securing selection in the PCS (EB). Shri Dhira had got his statement recorded on 5-6-2002 u/s 164 CrPC in FIR No. 24/02, Police Station VB Patiala and further on the basis of



this statement, Sh. Dhira has also got his statement recorded in the Court of District and Session Judge, Patiala, on various dates from 2-9-2003 to 6-1-2004 to the effect that Shri Kamal Kumar had given bribe of Rs.50.00lacstoShri Ravinder Pal Singh Sidhu for his selection to the PCS (EB).

9. *That in view of position explained in above paras, the cases against Sh. Rahul Gupta and Sukhjit Pal Singh have been dropped on valid ground and there is no violation of judgment of this Hon'ble Court."*

6. In view of the above said clear and categoric averments made in the reply filed by the respondent State, no further orders are required to be passed in the present petition; and the present contempt petition accordingly stands **disposed of**.

7. Rule stands discharged.

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

29.08.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No