

106

(CNR No: PHHC011389162026)

COCP-4013-2026 (O&M)

**NIRMAL SINGH DHANOA AND OTHERS
VS
KAP SINHA , IAS AND OTHERS**

Present: Mr. Sanjay Kaushal, Senior Advocate assisted by
Mr. Sunny Singla, Advocate,
Ms. Riti Aggarwal, Advocate and
Mr. Arjun Kaushal, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

The present contempt petition has been filed alleging non-compliance of the directions issued by the Hon'ble Division Bench of this Court vide order dated 03.08.2026 (Annexure P-1) passed in LPA No.1437 of 2026.

2. The petitioners herein had filed CWP No.7291 of 2026, wherein the following relief was sought:-

“(a) Quashing the order dated 18.11.2025 (Annexure P-16) passed by the respondent/Additional Chief Secretary to Government of Punjab, Department of Finance, whereby the claim of the petitioners is kept in abeyance till the Government of Punjab takes a decision for grant of DA/DR.

b) Direct the respondent to grant the relief of DA/DR @31% 01.07.2021 instead from 01.11.2021, @ 34% w.e.f. 01.01.2022 instead from 01.10.2022, @ 38% w.e.f. 01.07.2022 instead from 01.12.2023, @ 42% w.e.f. 01.01.2023 instead from 01.11.2024 and @46% w.e.f. 01.07.2023, @ 50% w.e.f. 01.01.2024, @ 53% w.e.f. 01.07.2024, @ 55% w.e.f. 01.01.2025, @ 58% w.e.f. 01.07.2025 and to revise the subsequent DA/DR in accordance with the recommendations of the 6th Punjab Pay Commission and in accordance with the installments granted to the Central Government

employees on the basis of All India Consumer Price Index (hereinafter referred to as 'AICPI') as accepted and approved by Cabinet on 18.06.2021 (Annexure P-12).

(c) Further direct the respondent to grant the arrear of revised DA/DR and further subsequent increase in DA/DR onwards at par with the Government of India pattern alongwith interest @ 12% per annum on the delayed payment of enhanced DA/DR. ”

3. The aforesaid writ petition, i.e. CWP No.7291 of 2026, was contested by the Punjab State Power Corporation Limited (for short ‘the PSPCL’) as well as the State of Punjab. Upon consideration of the matter, the writ Court disposed of the aforesaid writ petition along with other connected writ petitions vide order dated 08.04.2026 (Annexure P-13), by issuing the following directions:-

*“77. In light of the peculiar facts and circumstances discussed hereinabove, and keeping in view that the entire workforce, including pensioners, stands affected by the arbitrary and discriminatory manner in which Dearness Allowance/Dearness Relief (DA/DR) is being disbursed by the Government of Punjab, this Court, in the interest of justice, equity, and fair play, deems it appropriate to dispose of the subject-captioned writ petitions bearing **CWP No. 7291 of 2026, CWP No. 9514 of 2026, and CWP No. 10301 of 2026** in the following terms:*

*(i) The letter/liquidation plan dated 18.02.2025 (Annexure P-29 in CWP-9514-2026) issued by respondent No.2-Department of Finance, Government of Punjab, is hereby quashed qua pensioners/family pensioners as the Government of Punjab has segregated them into three different categories for payment of arrears of revised pension/family pension (including DR arrears), arising out of the recommendations of the 6th Punjab Pay Commission, being violative of **D.S. Nakara (supra) and All Manipur Pensioners Association (supra)**. As such, the Government of Punjab and the respondent-Corporations are*

*directed to pay the arrears of revised pension/family pension (including DR arrears) as per 6th Punjab Pay Commission to all their pensioners and family pensioners, **within a period of 02 months i.e. on or before 30.06.2026**, as has been paid to the pensioners/family pensioners up to the age of 85 years and above.*

*(ii) The State of Punjab and respondent-Corporations are directed to grant and release **all up-to-date pending installments of Dearness Allowance/Dearness Relief (DA/DR)** to all its employees and pensioners, respectively, at the same rates as has been paid to the members of the All India Services (IAS/IPS/IFS) serving within the State of Punjab, in accordance with the Central Government pattern, **on or before 30.06.2026**.*

(iii) In the event of non-compliance with the directions of this Court within the stipulated period, the question of entitlement of the employees and pensioners to interest shall remain open for consideration.

*(iv) The Chief Secretary to the Government of Punjab is directed to ensure scrupulous compliance of the directions issued herein and file a compliance report by way of affidavit before the Registry of this Court **on or before 02.07.2026**.*

78. Pending miscellaneous application, if any, also stands disposed of.

79. A photocopy of this order be placed on the file of other connected cases.

*80. The Registry is directed to tag 'Mark X', 'Mark Y', 'Mark A' and 'Mark B', respectively at appropriate places and list the matters before this Court on **02.07.2026**, for compliance report.*

4. It transpires that the aforesaid order dated 08.04.2026 (Annexure P-13), passed by the writ Court, was challenged by the State of Punjab as well as the PSPCL by filing separate Letter Patent Appeals (LPAs).

4.1 In the case of the petitioners herein, the State and PSPCL preferred LPA No.1437 of 2026 and LPA No.1249 of 2026, which were considered by the

Hon'ble Division Bench of this Court along with a bunch of connected intra-Court appeals (LPAs) and writ petitions. The said appeals (LPAs) and writ petitions were disposed of by Hon'ble Division Bench vide a common order dated 03.08.2026 (Annexure P-1); the relevant extract of which reads as under:-

“127. Since the timeline of 30.06.2026 fixed by the learned Single Judge has expired during the pendency of these appeals, and in order that the directions be workable, we modify the timelines, and the timelines alone, as under:

(a) The State of Punjab and PSPCL are directed to grant and release all up-to-date pending installments of Dearness Allowance/Dearness Relief (DA/DR) to all its employees and pensioners, respectively, at the same rates as has been paid to the members of the All India Services (IAS/IPS/IFS) serving within the State of Punjab, in accordance with the Central Government pattern, within a fortnight.

(b) In default of payment within the time aforesaid, the unpaid amounts shall carry simple interest at the rate of 6% per annum from the date of expiry of the stipulated period till the date of actual realization.

(c) The Chief Secretary to the Government of Punjab is directed to ensure scrupulous compliance of the directions issued herein and file a compliance report by way of affidavit before the Registry of this Court by end of this month, i.e. August 31, 2026. Till all such dues are cleared, the State of Punjab shall not resort to any unproductive expenditures, such as large-scale advertising campaigns in print or social media, as these expenses cannot justify the denial of dues admissible to State employees.

128. All pending applications, stand disposed of accordingly.”

5. A perusal of the aforesaid order dated 08.04.2026 (Annexure P-13) passed by the writ Court in CWP No.7291 of 2026 and other connected petitions, reveals that the State of Punjab and the PSPCL were granted time to comply with

the directions issued by the writ Court and the Chief Secretary to the Government of Punjab was directed to ensure scrupulous compliance of the said directions and also to file a compliance report by way of an affidavit, on or before 30.06.2026. However, neither the directions were complied with nor the requisite compliance report was filed within the stipulated period.

6. Thereafter, while considering LPA No.1437 of 2026 along with the connected LPAs and writ petitions, the Hon'ble Division Bench, vide order dated 03.08.2026, modified the timeline to the effect that the State of Punjab and the PSPCL were directed to grant and release all pending instalments of dearness allowance/dearness relief to their employees and pensioners at the same rates as were being paid to the members of the All India Services (IAS/IPS/IFS) serving within the State of Punjab, in accordance with the Central Government pattern, within a period of fifteen days, i.e. upto 18.08.2026. It was further directed that in case of failure to release the aforesaid payments within the stipulated period, the unpaid amounts would carry simple interest at the rate of 6% per annum from the date of expiry of the stipulated period till the date of its actual realisation.

6.1 The Hon'ble Division Bench also directed the Chief Secretary to the Government of Punjab to ensure scrupulous compliance of the aforesaid directions and to file a compliance report by way of an affidavit before the Registry of this Court on or before 31.08.2026. Further, a specific direction was issued restraining the State of Punjab from undertaking any unproductive expenditure such as large scale advertising campaigns in print or social media as these expenses cannot justify the denial of dues admissible to employees.

7. Evidently, the aforesaid directions issued by the Hon'ble Division Bench, vide order dated 03.08.2026, have not been complied with till date.

Further, no compliance report by way of an affidavit of the Chief Secretary to the Government of Punjab has been filed till date.

8. Learned senior counsel appearing for the petitioners has further referred to Annexure P-14, i.e., Memorandum dated 17.08.2026, issued by the Government of Punjab, Department of Finance and addressed to all the Special Chief Secretaries, Additional Chief Secretaries, Financial Commissioners, Principal Secretaries and Administrative Secretaries to Government of Punjab; the relevant extract thereof reads as under:-

“I am directed to refer to the subject cited above and to convey that all Administrative Departments are directed to submit complete details of all such cases, including cases pertaining to Boards/Corporations, etc., that are decided based on the orders of the Hon'ble Court passed in Civil Writ Petition No. 7291 of 2026, titled Nirmal Singh Dhanoa & Ors. v. State of Punjab & Ors and connected matters and the subsequent LPA. No such orders may be implemented without prior concurrence of the FD or unless generalized directions are issued, whichever is earlier.”

8.1 It has further been brought to the notice of this Court that although Special Leave Petitions have been filed by the State of Punjab as well as the PSPCL, however, the same are, till date, lying under defects and have not been listed for hearing.

8.2 Learned senior counsel appearing for the petitioners has further referred to various orders passed by the Hon'ble Division Bench of this Court, whereby repeated opportunities were granted to the State of Punjab and the PSPCL to avail their remedy of appeal before the Hon'ble Supreme Court of India. However, no effective steps appear to have been taken in that regard.

8.3 It has also been pointed out that criminal contempt proceedings have been initiated against the Chief Secretary to the Government of Punjab in relation

to the filing of a false affidavit and the matter is pending before the Hon'ble Division Bench of this Court.

9. Further, the present contempt petition was earlier listed for hearing on 21.08.2026, when, at the request of learned State counsel, time was granted to file a status/compliance report. Despite sufficient time having been afforded for the said purpose, no such report has been placed on record till date.

10. Today, learned State counsel seeks yet another accommodation to file the status/compliance report in the matter, which is totally unjustified.

11. The aforementioned facts and circumstances clearly reflects the defiant attitude adopted by the respondents with regard to compliance of the directions issued by this Court, which cannot be countenanced in law.

12. Keeping in view the above and before proceeding further, the Chief Secretary to the Government of Punjab is directed to file his personal affidavit, within three days from today i.e., on or before 30.10.2026, as regards the compliance of the directions issued by the writ Court vide order dated 08.04.2026 (Annexure P-13) as well as the directions issued by the Hon'ble Division Bench vide order dated 03.08.2026 (Annexure P-1), and also explaining the stand of the State of Punjab in issuing directions (i.e. "No such orders may be implemented without prior concurrence of the FD or unless generalized directions are issued, whichever is earlier") contained in the Memorandum dated 17.08.2026 (Annexure P-14).

12.1 Let the aforesaid affidavit by the Chief Secretary to the Government of Punjab be submitted within three days from today i.e. on or before 30.10.2026, with an advance copy to the counsel opposite, however, subject to payment of costs of Rs.1,00,000/- to be deposited with ***"High Court Lawyers Welfare Fund (Account No.65018692589, IFSC Code-SBIN0050306, Branch Code-50306,***

State Bank of India, High Court Branch, Sector-1, Chandigarh)”, for failure to file the status/compliance report despite grant of sufficient time.

13. The Chief Secretary to the Government of Punjab shall also remain physically present before this Court on the next date of hearing.
14. List on 03.11.2026.
15. A copy of this order be given to the learned State counsel under signatures of Court Secretary for necessary compliance.

27.10.2026
Pd

(HARSH BUNGER)
JUDGE