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(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. Vikas Singh, Senior Advocate (Through V.C.) and
Mr. Chanchal Singla, Senior Advocate with
Mr. Ferry Safat, Addl. A.G., Punjab,
Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab and
Ms. Kavita Joshi, Advocate
for the respondents.

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1. In pursuance of the order dated 27.10.2026 passed by this Court, Mr. K.A.P. Sinha, Chief Secretary to Government of Punjab, has appeared in person before this Court today. Status report by way of affidavit dated 30.10.2026 of Mr. K.A.P. Sinha, Chief Secretary to Government of Punjab, has also been placed on record. Along with status report, a receipt indicating payment of costs of Rs.1,00,000/- imposed vide order dated 27.10.2026 has also been placed on record.

2. Here, it would be apposite to notice that vide order dated 27.10.2026, this Court had issued the following directions:-

> *"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*

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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."

2.1 A perusal of the above extracted order dated 27.10.2026 would show that the Chief Secretary to the Government of Punjab was specifically directed to file his personal affidavit 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 contained in the Memorandum dated 17.08.2026 (Annexure P-14). However, what has been filed in Court today is the status report and not the compliance report.

2.2 A perusal of the status report reveals that in paragraph No.3 thereof, reference has been made to the order dated 21.08.2026 i.e., when the present contempt petition was listed for the first time and the matter was adjourned on the request of learned State counsel to file the status report and/or compliance report in the matter. The said request of the learned State counsel was accepted

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and the matter was adjourned to 27.10.2026, thereby granting sufficient time to the respondents to file the status report and/or the compliance report. However, on 27.10.2026 when the matter was taken up, neither any status report nor any compliance report had been filed, rather, the learned State counsel sought another accommodation to file the same, which was totally unjustified; particularly in view of the sufficient time already afforded. Consequently, this Court directed the Chief Secretary to Government of Punjab to file his personal affidavit regarding compliance of directions issued (as noticed above), however no such compliance affidavit has been filed.

3. Today, learned Senior counsel appearing for the petitioners has again reiterated his stand that despite the directions issued by the writ Court vide order dated 08.04.2026 (Annexure P-13) and also the subsequent order dated 03.08.2026 (Annexure P-1), whereby the Hon'ble Division Bench of this Court modified the timeline prescribed by the learned writ Court, the said directions have not been complied with till date.

3.1 It has further been submitted that the Hon'ble Division Bench of this Court, not on one but on multiple occasions, had noticed and granted time to the State of Punjab as well as to the Punjab State Power Corporation Limited (for short 'PSPCL') to avail their remedy of appeal before the Hon'ble Supreme Court of India. Undoubtedly, the State of Punjab as well as PSPCL have preferred a Special Leave Petition appeal, which is stated to have been initially filed on 01.09.2026, however, it appears that there were certain objections raised by the Registry of the Hon'ble Supreme Court of India.

3.2 A perusal of the aforesaid status report dated 30.10.2026 would further show that the Special Leave Petition was re-filed on 01.10.2026, whereafter, certain defects were again notified by the Registry of the Hon'ble

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Supreme Court of India in the evening of 05.10.2026. However, concededly till date, Special Leave Petition preferred by the State as well as the PSPCL has not been listed for hearing before the Hon'ble Supreme Court of India.

4. On the other hand, Mr. Vikas Singh, learned Senior Advocate appearing for the respondents (through V.C.) has stated that all the objections pointed out by the Registry of the Hon'ble Supreme Court of India have since been removed; however, he further submits that neither any fixed date for hearing nor any tentative date for listing of Special Leave Petition has been given. Learned senior counsel further submits that some more time may be afforded to the State of Punjab as well as the PSPCL to enable them to purse the matter and to secure listing of Special Leave Petition before the Hon'ble Supreme Court of India.

5. The aforesaid request made by the learned Senior counsel appearing for the respondents has been vehemently opposed by the learned Senior counsel representing the petitioners, who submits that mere filing or pendency of a Special Leave Petition, in the absence of any order staying the operation of the directions issued by this Court, cannot furnish any justification for their continued non-compliance. In support of his submissions, learned Senior counsel representing the petitioners has placed reliance upon the judgment rendered by the Hon'ble Supreme Court of India in the case of ***"Israr Ahmad Khan v. Amarnath Prasad, 2026 INSC 209, 2026 All SCR 1194***, especially paragraphs No.27 to 30 thereof, which reads as under:-

> *"27. Delayed filing of appeals should be the exception, but in recent times, the exception has practically evolved to become the rule. Orders passed by the Courts are not complied with for a long time, and when Contempt Petitions are filed, belated appeals, with tremendous delay, are preferred.*

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> *28. The (alleged) continuing contumacious conduct of the defaulting party is sought to be justified on the mere production of a Diary/Filing/Stamp Reporting Number showing that an appeal has been preferred, so as to obtain multiple adjournments in contempt matters.*
>
> *29. We, in no uncertain terms, deprecate these practices. It is felt that by such modus operandi, disobedient litigants act brazenly which has the further effect of bringing down the authority and majesty of the Courts and the rule of law, interfering in the administration of justice. The same may well, in certain situations, border on criminal contempt.*
>
> *30. The High Courts should deal with such unscrupulous litigants, moreso when they happen to be 'State', within the meaning of Article 12 of the Constitution, or like bodies, with an iron hand. Unless the High Courts, so also this Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith that the ordinary litigants of this country repose in the Judiciary at all levels. It is the solemn duty of all of us manning the Courts across the hierarchy to ensure that the public faith never wavers."*

6. Considering the peculiar facts and circumstances of the case, especially the fact that despite grant of sufficient time, the State as well as the PSPCL have failed to avail their remedy of appeal before the Hon'ble Supreme Court of India, this Court is of the considered view that the observations in the aforesaid judgment rendered in case of ***Israr Ahmad Khan (supra)*** are clearly attracted to the case in hand.

7. Further, a three Judge Bench of the Hon'ble Supreme Court of India in the case of ***"Maninderjit Singh Bitta v. Union of India, 2012(1) SCC 273,*** has made the following observations in paragraph No.13 thereof:-

> *13. It is also of some relevancy to note that disobedience of court orders by positive or active contribution or non-obedience by a passive and dormant conduct leads to the same result. Disobedience*

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*of orders of the court strikes at the very root of rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the Judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs [**refer T.N. Godavarman Thirumulpad's case, 2006(3) RCR (Criminal) 110 : 2006(2) Apex Criminal 300 : 2006(3) RCR (Civil) 34 : [(2006)5 SCC 1**]. The proceedings before the highest court of the land in a public interest litigation, attain even more significance. These are the cases which come up for hearing before the court on a grievance raised by the public at large or public spirited persons. The State itself places matters before the Court for determination which would fall, statutorily or otherwise, in the domain of the executive authority. It is where the State and its instrumentalities have failed to discharge its statutory functions or have acted adversely to the larger public interest that the courts are called upon to interfere in exercise of their extraordinary jurisdiction, to ensure maintenance of the rule of law. These are the cases which have impact in rem or on larger section of the society and not in personam simplicitor. **Courts are called upon to exercise jurisdiction with twin objects in mind. Firstly, to punish the persons who have disobeyed or not carried out orders of the court i.e. for their past conduct. Secondly, to pass such orders, including imprisonment and use the contempt jurisdiction as a tool for compliance of its orders in future**. This principle has been applied in the United States and Australia as well. For execution of the orders of the court even committal for an indefinite term has been accepted under Australian law [**Australasian Meat Industry Employees Union v. Mudginberri Station Pty. Ltd. (1986) 161 CLR 98 (Australian High Court)**] and American law, though this is no longer permissible under English Law. While referring to detention of a person for a long period to ensure execution of the orders in Re Nevitt [117 F. 448, 461 (1902)] Judge Sanborn*

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> *observed that the person subjected to such a term 'carries the keys of his prison in his own pocket.' Lethargy, ignorance, official delays and absence of motivation can hardly be offered as any defence in an action for contempt. Inordinate delay in complying with the orders of the courts has also received judicial criticism. It is inappropriate for the parties concerned to keep the execution of the court's orders in abeyance for an inordinate period. Inaction or even dormant behaviour by the officers in highest echelons in the hierarchy of the Government in complying with the directions/orders of this Court certainly amounts to disobedience. Inordinate delay of years in complying with the orders of the court or in complying with the directed stipulations within the prescribed time, has been viewed by this Court seriously and held to be the contempt of court, as it undermines the dignity of the court. Reference in this regard can be made to* ***Maniyeri Madhavan v. Inspector of Police, Cannanore, [AIR 1993 Supreme Court 356] and Anil Ratan Sarkar and Ors. v. Hirak Ghosh and Ors., 2002(4) RCR (Criminal) 517 : [(2002)4 SCC 21]****. Even a lackadaisical attitude, which itself may not be deliberate or wilful, have not been held to be a sufficient ground of defence in a contempt proceeding. Obviously, the purpose is to ensure compliance of the orders of the court at the earliest and within stipulated period.*

7.1 A perusal of the above extracted observations made by the Hon'ble Supreme Court of India in the case of ***Maninderjit Singh Bitta (supra),*** would clearly show that inaction or even dormant behaviour by the officers in highest echelons in the hierarchy of the Government in complying with the directions/orders of this Court certainly amounts to disobedience. It has been further held that even a lackadaisical attitude, which itself may not be deliberate or wilful, have not been held to be a sufficient ground of defence in a contempt proceeding. It is also observed that the purpose is to ensure the compliance of the orders of the Court at the earliest and within stipulated period.

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8. Evidently, the Hon'ble Division Bench of this Court while dismissing the Intra Court Appeals, vide order dated 03.08.2026 (Annexure P-1) had issued specific directions, which read 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.*
>
> *1*28. All pending applications, stand disposed of accordingly.*"*

9. It is apparent from the above extracted directions issued by the Hon'ble Division Bench of this Court that the State as well as the PSPCL were directed to release the Dearness Allowance/Dearness Relief (DA/DR) to all its employees and pensioners, at the same rates as has been paid to the members of

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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., up to 18.08.2026. It has been further directed that in case of default of payment, within the stipulated period, the unpaid amounts shall carry simple interest at the rate of 6% per annum from the date of expiry of stipulated period till the date of actual realization. That apart, the Chief Secretary to the Government of Punjab was also directed to ensure scrupulous compliance of the directions and to file a compliance report by way of affidavit before the Registry of this Court by 31.08.2026; with a further specific direction, restraining the State of Punjab from undertaking 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.

10. It is conceded before this Court that no compliance report by way of affidavit was filed before the Registry of this Court on or before 31.08.2026, as directed by the Hon'ble Division Bench of this Court vide order dated 03.08.2026 nor any compliance has been made.

11. At this stage, learned Senior Counsel appearing for the respondents (through V.C.) has raised a submission that the very stipulation in the order dated 03.08.2026 that in case the amount is not released to the employees and pensioners, within the stipulated period i.e., up to 18.08.2026, then the unpaid amount would carry simple interest @ 6% p.a. from the date of expiry of stipulated period till the date of actual realization. It is contended that once the order itself provides for the consequence of non-payment within the stipulated period, then mere failure to release the amounts within the prescribed period would not constitute wilful disobedience, so as to warrant initiation of contempt proceedings.

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12. I have considered the aforesaid contention raised on behalf of learned senior counsel appearing for the respondents; however, I find no substance in the same.

12.1 The direction regarding payment of interest at the rate of 6% per annum, in the event of failure to release the amounts within the stipulated period, cannot be construed as granting liberty to the State of Punjab or PSPCL to defer compliance with the substantive directions issued by the Hon'ble Division Bench of this Court vide order dated 03.08.2026 (Annexure P-1). The said stipulation was evidently incorporated to safeguard the financial interests of the employees and pensioners, who were held entitled to receive the amounts in question, and to ensure that they were not deprived of compensation for the period during which their legitimate dues remained unpaid.

12.2 In other words, the provision for payment of interest was intended to operate as a compensatory measure in favour of the employees and pensioners and not as an alternative mode of compliance available to the respondents. The obligation to release the amounts within the stipulated period was independent of, and in addition to, the liability to pay interest in the event of default.

12.3 Further, if the aforesaid contention raised on behalf of the respondents is to be accepted then it would amount to permitting the State of Punjab as well as PSPCL to indefinitely withhold the amounts payable to the employees and pensioners, merely by agreeing to bear the liability of interest at the rate of 6% per annum. Such an interpretation would not only defeat the very object of the directions issued by the Hon'ble Division Bench but would also render the time-bound mandate contained therein wholly redundant; accordingly, the aforesaid contention is hereby rejected.

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13. In the aforesaid status report dated 30.10.2026 filed by Mr. K.A.P. Sinha, Chief Secretary to Government of Punjab, it has been made out that the total pending liability of the claims is approximately Rs.32,418 Crores and in addition, payment of Dearness Allowance at the rates of the Central Government would entail a recurring liability of approximately Rs.4,712 Crore per year.

13.1 Further more, in paragraph No.18 of the status report, the following stand has been taken:-

> *"18. That the deponent respectfully submits that he is bound by the orders passed by this Hon'ble Court as well as by the Hon'ble Supreme Court of India. It is submitted that the State is availing the available legal as well as constitutional remedy before the Hon'ble Supreme Court. The State acknowledges that the orders dated 03.08.2026 bind it, that there is no stay of their operation, and that its liability to pay the Dearness Allowance to the employees as well as to the pensioners along with interest @ 6%, as directed by the Hon'ble Division Bench, subsists. The State is taking steps for the early listing of its Special Leave Petition so that the matter may be decided at the earliest."*

13.2 The above extracted paragraph No.18 of the status report would show that the State of Punjab has categorically acknowledged that the order dated 03.08.2026 passed by the Hon'ble Division Bench of this Court is binding upon it and that there is no order staying its operation. The State has further admitted that its liability to pay Dearness Allowance to the employees as well as pensioners along with interest @ 6% p.a., continues to subsists.

13.3 Despite such categorical acknowledgement and in the absence of any interim protection granted by the Hon'ble Supreme Court of India, the State of Punjab as well as PSPCL have failed to comply with the directions issued by the Hon'ble Division Bench. Merely pursuing the remedy of Special Leave Petition, without obtaining any order staying the operation of the judgment,

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cannot furnish a justification for continued non-compliance. Thus, the conduct of the State of Punjab as well as PSPCL, particularly in view of the sufficient opportunities already afforded to them, prima facie reflects wilful disobedience of the specific and binding directions issued by the Hon'ble Division Bench vide order dated 03.08.2026, which cannot be countenanced in law.

14. Notice of motion.

14.1 Mr. K.A.P. Sinha, the Chief Secretary, Government of Punjab (respondent No.1) to show cause as to why contempt proceedings be not initiated against him for wilful disobedience and 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 and other connected matters.

15. Mr. K.A.P. Sinha, Chief Secretary, Government of Punjab (respondent No.1), who is present in the Court, accepts notice and seeks ten days time to file reply.

16. In view of the above, let reply be filed on or before 13.11.2026 with an advance copy to the counsel opposite.

17. List on 17.11.2026.

18. The Chief Secretary to the Government of Punjab shall remain physically present before this Court on the next date of hearing.

19. To be taken up at **12:00 P.M.**

(HARSH BUNGER)
JUDGE

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