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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18590-2001 (O&M)

VISHNU DUTT AND ORS

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENT(S)

Present: None for the petitioner(s).
Mr. Rajiv Verma, Addl. AG. Punjab

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Today, Mr. Rajiv Verma, Addl. AG. Punjab informs that the order dated 30.09.2026 passed by this Court has been stayed by the Hon'ble Division Bench in LPA-2995-2026 preferred by the State of Punjab. A copy of the said order was produced, which is restricted to the stay on imposition of cost of Rs.2,00,000/- only, while issuing notice of motion for 12.01.2027.

However, there is no stay to the show cause as to why the contempt proceedings be not issued against the Chief Secretary, Government of Punjab, still no reply has been filed to the show cause notice by the said Officer.

This Court has called for personal appearance of the Chief Secretary, Government of Punjab vide its last order dated 12.10.2026 and even that part has not been complied with probably under the garb of wrong impression of the State Counsel that the operation of the order dated 30.09.2026 has been stayed, which is factually as well as according to the judicial record is incorrect.

Further the cost by respondents No.5 and 6 as per order dated 15.07.2026 has been deducted from the salary of concerned officials, is still awaiting clarification from the Chief Secretary, Government of Punjab.

The above-said part of the order dated 15.07.2026, 24.08.2026 and 30.07.2026 has not been complied with so far.

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Having gone through the order passed by the Division Bench dated 12.10.2026 in LPA-2995-2026, it can be easily culled out that as a matter of record false averments have been made in an attempt to mislead the Court in the Letters Patent Appeal.

A submission was made to the Division Bench that this Court did not accept the written statement on behalf of respondents No.5 and 6 in the Court yesterday and that the State had been asked to file the same in the Registry of this Court, but it was not informed to the Hon'ble Division Bench in right earnest and with fairness, which is otherwise expected from a State Government, that it was the 4th opportunity for the State of Punjab to file the written statement in a case which is pending for 25 years. Three opportunities have already been granted by this Court in its earlier orders dated 15.07.2026 and 25.08.2026 (which consisted of a reasonable period of almost five weeks) and thereafter, another one month's time was granted while adjourning the matter lastly to 30.09.2026.

This Court was compelled to impose the cost of Rs.2 lacs only after the failure of the State on the above-said account, delaying the matter, and once the written statement was expected to be filed, it has to be filed before the date of hearing fixed by this Court.

The Bench cannot be expected to act and work as a post office, receiving the document in Court every time, since the Registry has to scan the records, scrutinizing it as well in so many aspect and affix the same with the Court file and also to carry out page numbering. At times, the Courts have been cooperating with the State Agency as well as the Bar Members, but in exceptional circumstances, as have been revealed in this case, wherein the State's attitude and pathetic approach are highly that of an authority showing a cold shoulder to the observations of the Court that is why this Court directed the written statement to

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be filed in the Registry, which was by no means an act of not accepting the written statement, as has been averred before the Hon'ble Division Bench.

When this Court questioned the State counsel, he himself also very candidly was of the view that, since the written statement was brought by the Officer in the Courtroom yesterday itself, he did not have the occasion to go through the same and was not in a position to argue the matter on merits, which resulted in another forced adjournment in a matter which is 25 years old. Such attempts of the State Government are nothing less than an attempt to further delay the matter and derail the process and the endeavour of the High Court, which has started listing old matters on a priority basis, high up in the cause list, and all efforts are being made to decide them with utmost urgency, considering the fact that most of such employees have either retired from service or have unfortunately left for their heavenly abode, and their bereaved families and legal representatives are awaiting the outcome of such petitions, particularly where the claim of pecuniary loss is involved.

Before parting with the order, this Court will have no hesitation in recording that all the five contentions raised before the Hon'ble Division Bench are absolutely incorrect and against the judicial record.

Firstly, the order dated 30.09.2026 is not a final order and is only an interim order, wherein no rights of other parties have been adjudicated by any stretch of imagination, to the understanding of this Court; secondly the affidavit was, though, filed by the Chief Secretary, Government of Punjab, qua the deposit of cost as was directed in the earlier order dated 25.08.2026, but the amount is shown to have been deposited in cash, as is evident from a perusal of Annexure R-1 attached to the affidavit dated 24.08.2026, whereby the amount has been collected in cash i.e., collectively from the Director, Public Instructions (Secondary), Punjab, and the District Education Officer (Secondary), Punjab. It

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was on this account that a further clarificatory affidavit was called upon from the Chief Secretary, with the expectation that the Senior most Officer would at least be made aware of the prevailing circumstances wherein the Officers of the Department in the State are not filing the written statement in time.

The contention qua the confusion raised on behalf of the appellant-State of Punjab before the Hon'ble Division Bench in LPA-2995-2026, to the effect that it was not clear whether the amount of cost had already been deposited from the personal accounts of the respondents or not, is misplaced, and it was very much clear from the affidavit dated 24.08.2026 that the said amount of cost was to be deposited after deduction from the salary. The Division Bench probably has not been made aware of the observations recorded by this Bench qua the fact that this is the third occasion in a row after the matter has been taken up by the Court, reflecting an intentional and deliberate attempt to circumvent the orders of this Court and derail the Court proceedings. The cost of Rs.2 lacs is projected to have been imposed by this Court merely for failure with regard to the deposit of cost of Rs.1.0 lacs, which is also misplaced before the Hon'ble Division Bench by the State of Punjab and factually incorrect. The cost of Rs.2 lacs was imposed by this Court with the clear observation on account of its failure to file the written statement on behalf of respondents No.5 and 6, despite lapse of 25 years and even on 12.10.2026 as well, the written statement was not on the record of the Court file.

Further, blatant abuse of the process of law is evident from today's proceedings as well. Despite having harsh orders passed by this Court, today again, the State sought time to assist the Court, since the written statement has neither been filed nor is the State counsel having a proper brief and instructions for addressing the Court in the present case. Even the Chief Secretary, Government

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of Punjab has failed yet again to file reply to the show cause for contempt proceedings initiated on 30.09.2026 and also did not appear in person.

When this Court asked about the presence of the Chief Secretary, Government of Punjab, Mr. Rajiv Verma, Addl. AG, Punjab, says that the State was under the impression that the order dated 30.09.2026 was stayed, which had sought the presence of the Chief Secretary, Government of Punjab.

It is abundantly clear from perusal of the order passed in above-said LPA, that there is a contention raised by the State to that effect, but very cautiously, only the cost part has been stayed, as ordered by this Court vide order dated 30.09.2026, whereas qua the show cause notice and presence of the Chief Secretary, Government of Punjab, there is no direction whatsoever.

However, being considerate on account of the confusion as pointed out by Mr. Rajiv Verma, Addl. AG, Punjab, the presence of the Chief Secretary, Government of Punjab, today is waived off, but not without taking a serious note of his absence. He shall remain present on the next date of hearing to explain the circumstances as to why the written statements are not being filed in time, which is a graver concern of this Court, so that no unwarranted delay is caused to the adjudication of such writ petitions, which have been pending for the last 25 years.

On request of learned State counsel, as prayed for, one week's time is granted and hearing of the case is deferred to 28.10.2026.

The Registrar (Judicial) is directed to place a copy of all the orders dated 15.07.2026, 25.08.2026, 30.09.2026 and 12.10.2026, including the order passed today, before the Hon'ble Division Bench on the next date of hearing when the LPA is taken up for hearing.

(SANDEEP MOUDGIL)
JUDGE

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