



2026:HHC:33221

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.1247 of 2025

Decided on: 10.08.2026

Bhawani

.....**Petitioner**

Versus

Aditya Chauhan

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Vivek Singh Thakur, Advocate.

For the Respondent: Mr. Rajiv Rai, Advocate.

Jyotsna Rewal Dua, Judge

Petitioner has instituted this Contempt Petition alleging breach of directions issued in the order dated 12.08.2025 passed in CWP No. 1885 of 2024 (Bhawani Vs. State of H.P. and Ors).

2. Heard learned counsel for the parties and considered the case file.

3. Vide order dated 13.03.2024 passed in CMP No. 2675 of 2024 in CWP No. 1885 of 2024, the respondents were directed to maintain status quo qua the functioning of

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



the petitioner as it existed on that date. Subsequently, following order was passed in the matter on 12.08.2025:-

“CMP No. 19162 of 2025

By way of instant application, prayer has been made on behalf of the applicant/petitioner to stay order dated 19.06.2025 (Annexure AP-1) (available at page 96 of the paper book), whereby one Mr. Tajinder Kumar has been ordered to be posted as Sanitary Supervisor at Nagar Panchayat Chowari.

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Vivek Singh Thakur, learned counsel representing the petitioner, is that since vide order dated 13.03.2024, this Court had directed the respondents to maintain status quo qua the functioning of the petitioner, there was no occasion, if any, for the respondents to appoint above named Mr. Tajinder Kumar against the post of Sanitary Supervisor at Nagar Panchayat Chowari.

From the averments contained in the application as well as writ petition, this Court finds that petitioner herein, who was working as Peon, was claiming promotion to the post of Sanitary Supervisor, but since such claim of him was not accepted by the respondents, he approached this Court by way of present petition.

Vide order dated 13.03.2024, this Court, having taken note of the fact that petitioner is working as Sanitary Supervisor, directed parties to maintain status-quo qua functioning of the petitioner. During the pendency of petition, as detailed hereinabove, respondents have proceeded to appoint Mr. Tajinder Kumar, as Sanitary Supervisor at Nagar Panchayat



Chowari, as a result thereof, petitioner, who at present is working against the post in question, has approached this Court in the instant application for staying order dated 19.06.2025 issued by the Director Urban Development, thereby deploying number of persons as Sanitary Supervisors and Accountant on outsource basis at various Nagar Panchayats.

Mr. B.C.Verma, learned Additional Advocate General for the respondents-State and Mr. Rajinder Singh Thakur, Advocate, for respondent No. 3, while making this Court peruse order, sought to be stayed, vehemently argued that present application is not maintainable because it is none of the case of the applicant/petitioner that person namely Tajinder Kumar has been posted in place of applicant/petitioner or pursuant to afore order, petitioner, who claims to have been working against the post of Sanitary Supervisor on 13.03.2024, has been removed. Learned counsel representing the respondents further state that otherwise also, appropriate remedy, if any, for violation of order dated 13.03.2024 is contempt proceedings, but till date no such circumstance exists, as such present application is not maintainable and same is required to be dismissed at the threshold.

Having carefully perused order dated 13.03.2024, though this Court is persuaded to agree with afore submissions made by learned counsel representing the respondents, but having taken note of the fact that at the time of passing of order dated 13.03.2024, factum with regard to working of the petitioner against the post of Sanitary Supervisor was brought to the notice of this Court and taking note of such fact, this Court directed the respondents to maintain status quo qua functioning of the petitioner,



this Court deems it fit to dispose of the present application with liberty to the respondents to appoint persons on outsource basis against the post of Sanitary Supervisor, but if the petitioner is working against the post of Sanitary Supervisor, he shall not be removed, rather shall be allowed to continue against the post in question, pursuant to order dated 13.03.2024.”

4. Learned counsel for the petitioner submitted that in the operative portion of the above order, it was clearly held out in case the petitioner was working against the post of Sanitary Supervisor, he then shall not be removed, rather shall be allowed to continue against the post in question pursuant to the order dated 13.03.2024. Learned counsel further submitted that petitioner had been working against the post of Sanitary Supervisor, therefore, he could not be removed from the post of Sanitary Supervisor. The respondents have paid the salary to the petitioner as Sanitary Supervisor till August 2025; That it was only in September 2025, the respondents reflected the petitioner as Peon and paid him salary accordingly. The actions of the respondents according to the petitioner are contemptuous.

Learned counsel for the respondent submits that under office order dated 12.01.2024, petitioner's



promotion to the post of Sanitary Supervisor had been cancelled with immediate effect. This was pursuant to the directions received from the Directorate of Urban Development, Himachal Pradesh; In terms of the office order dated 12.01.2024, petitioner was to continue to serve against the post of Peon; Somehow, despite the order dated 12.01.2024 the petitioner continued to draw his salary as Sanitary Supervisor; This fact was noticed by the respondent, who assumed the charge of Senior Executive Officer, Nagar Panchayat Chowari under office order dated 03.06.2025; Immediately thereafter, office order was issued on 30.09.2025 to the effect that petitioner serving as Peon, had been wrongly drawing his salary attached to the post of Sanitary Supervisor. Accordingly, his salary was fixed in the corresponding pay scale of the Peon as per HP Civil Services Pay Rules 2022 and excess payment of his salary was ordered to be recovered in accordance with law.

In ***Sudhir Vasudeva Vs. George Ravishekeran***², Hon'ble Apex Court observed that a Court exercising jurisdiction under the Contempt of Courts Act, 1971 must not travel beyond the four corners of the

² (2014) 3 SCC 373



orders in relation to which contempt has been alleged. That the Court hearing a contempt petition ought to restrict the scope of its enquiry to such directions which are explicit in the judgment or orders of which contempt has been alleged.

Abhishek Kumar Singh Vs. G. Pattanaik and Others³ holds that benefit of possibility of another view (interpretation) of the order should be given to the respondents:-

“64. Arguendo, the interpretation as propagated by the petitioners of the stated orders dated 28.11.2017 passed by the High Court and 16.3.2018 of this Court, is a possible view. Being another possible view, the benefit must then be given to the respondents. For, it would certainly not be a case of wilful disobedience as enunciated by this Court in Sushila Raje Holkar v. Anil Kak (Retired) which follows the dictum of this Court in State of Bihar v. Rani Sonabati Kumari, Purnendu (2008) 14 SCC 392 AIR 1961 SC 221 Mukhopadhyay and Maruti Udyog Limited v. Mahinder C. Mehta.

65. It is well settled that contempt action ought to proceed only in respect of established wilful disobedience of the order of the Court. This Court in paragraph 12 of the decision in Ram Kishan observed thus:

“12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one’s state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of

³ (2021)7 SCC 613



consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or in- advertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct." (emphasis supplied)

66. *It is useful to recall the exposition in Director of Education, Uttaranchal and also in K.G. Derasari & Anr. v. Union of India & Ors.; wherein this Court observed that in exercising contempt jurisdiction, the primary concern must be whether the acts of commission or omission can be said to be contumacious conduct of the party who is alleged to have committed default in complying with the directions given in the judgment and order of the Court. Further, the Court ought not to take upon itself power to decide the original proceedings in a manner not dealt with by the Court passing the judgment and order. It is also not open to go into the correctness or otherwise of the order or give additional directions or delete any direction, which course could be adopted only in review jurisdiction and not contempt proceedings.*
67. *Reliance placed on Deepali Gundu Surwase by the petitioners is inapposite. It was a case of wrongful termination and entitled the petitioner therein relief of back wages. The respondents have instead relied upon the exposition in P. Karupaiah (Dead) through Legal Representatives v. General Manager,*



Thruuvalluvar Transport Corporation Limited and J.K. Synthetics Ltd. which has restated the legal position regarding back wages. It has been held that it is not automatic or natural consequence of reinstatement. Suffice it to mention that for reasons already recorded hitherto including that the limited direction given by the High Court and not disturbed by this Court was to permit the petitioners to work on the concerned posts and to pay them regular salary as and when the same accrues to them, the plea under consideration needs to be recorded only to be rejected.

68. Be that as it may, keeping in mind the settled legal position, we have no hesitation in concluding that the case at hand does not qualify the test of contumacious, much less wilful disobedience of the order of the Court by the officers of the respondents as such. In other words, the basis on which the (2018) 12 SCC 663 (paragraph 10) contempt action against the respondents in reference to order dated 4.12.2018 issued by the respondents, has been initiated is tenuous. Hence, the same is rejected.”

The order dated 12.08.2025 does not record definitive direction/finding as to whether the petitioner was working against the post of Sanitary Supervisor or he was entitled to the salary of Sanitary Supervisor. The direction issued in the order is that if the petitioner was working against the post of Sanitary Supervisor, he would not be removed, but would be allowed to continue against the post in question. Keeping in view the stand of the respondent that the promotion of the petitioner to the post of Sanitary



Supervisor stood withdrawn from him under office order dated 12.01.2024 and in view of this office order, which has not been stayed, the petitioner was entitled only to the salary of Peon, in my considered view, no contempt-wilful disobedience of the order, can be said to have been committed by the respondents. The factual matrix of the case, is an aspect which is yet to be determined in the Civil Writ petition.

Accordingly, These contempt proceedings are closed, notice is discharged. It is, however, clarified that the observations made above are only for the adjudication of this contempt petition and shall not be construed as an opinion on the merits of the matter.

Pending miscellaneous application(s), if any, also to stand disposed of.

August 10, 2026
R.Atal

Jyotsna Rewal Dua
Judge