

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CONT.CAS(C) No.64 of 2019

Tourangbam Netrajit Singh

Petitioners

Vs.

Sohail Akhtar and 2 Ors.

Respondent

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

(ORDER)

11.08.2025.

Learned senior counsel, Mr. Kh. Tarunkumar for the complainant/petitioner is present before the Court physically. Similarly, learned senior counsel Mr. N. Ibotombi for the respondent/accused is also present before the Court physically.

This contempt case has been initiated by the complainant/petitioner for taking action against the respondents for willful disobedience of the order rendered by the learned Single Judge on the writ side in WP(C) No.1163 of 2006 dated 24.04.2018.

Whereas the learned senior counsel for the complainant in this matter referring the order rendered by the learned Single Judge on the writ side and also order in WP(C) No.1163 of 2016 that with the direction to the state respondents that the petitioner shall be paid 2(two) promotions in the next higher scale of pay upon his completion of his 10 years and 20 years in service, as applicable to the employees of the State of Manipur, for which necessary fund in the form of grand-in-aid or in any other form be provided by the State Government.

This order is very much required to comply by the respondent/accused. However, the learned senior counsel for the complainant in this matter submitting that the promotion in next higher scale of the pay upon the completion of his 10 years has complied but it will not comply for the remaining 20 years in service, this submission made by the learned senior counsel for the complainant/petitioner is taken on record. On contrary, the learned senior counsel Mr. N. Ibotombi for the respondent who had referred the order rendered by Government of Manipur, Secretariat/ Forest, Environment Climate Change Department by its order, Governor of Manipur dated 27.01.2023 and this complaint order has been referred by the learned senior counsel by referring order whereby the compliant of the order rendered by the learned Single Judge on the writ side and therefore, in this matter, it does not arise for consolidation matter in accordance with law. Even though, this contempt proceeding has been initiated keeping in view the provision of section 12 of aforesaid Contempt of Court Act 1975.

In support of this contempt petition, the learned senior counsel has produced and relied on **J.S. Parihar Vs. Ganpat Duggar and Others reported in 1996 6SSC 291** wherein the Hon'ble Supreme Court of India addressed the issues and the scope of section 12 and

section 2(b) Contempt aforesaid Act, 1971, jurisdiction under section 12, scope, contempt application alleging that the seniority list drawn pursuant to the High Court's order was not in conformity therewith. In such a proceedings, while holding the disobedience to be not willful, the Single Judge, held, could not give a further direction to redraw the list service law seniority. This judgment has been rendered by the learned senior counsel for the respondent/accused by his contentions. It is further referred in the judgment of Hon'ble Supreme Court of India that the **Union of India Vs. Subedar Devassy PV reported in 2006 1SSC 613**, in this judgment also, the Hon'ble Supreme Court of India had addressed the issue and scope of section 2(b) of Contempt of Court Act, 1971, the civil contempt proceedings-Scope-of-Question at large—Held, in contempt proceedings Court is concerned only with question whether the earlier decision has been complied with or not- it cannot examine correctness of the earlier decision, or traverse beyond it and take a different view from what was taken therein, or give additional directions or delete any direction. That would be exercising review jurisdiction while dealing with a contempt application which is impermissible. If any party concerned is aggrieved by the earlier decision, which in its opinion is wrong or its implementation is neither practicable nor feasible, it should always either approach court that passed the earlier order, or go in appeal there against the rightness or wrongness of the earlier order cannot be urged in

contempt proceedings, Constitution of India, Article 215 and 129 extensively addressed the issues in para Nos.2 & 6. These two decisions are applicable to the issues in between the complainant/petitioner and the respondent/accused and it may permit seeking for acceptance of the complaint report/in terms of order by the Governor of Manipur, Imphal dated 27.01.2023 Annexure A/1.

Keeping in view the aforesaid order and also keeping in view the submission made by the learned senior counsel Mr. Tarunkumar for the complainant/petitioner and inclusive of learned senior counsel Mr. N. Ibotombi for the respondent are concerned, it is deemed appropriate that the present contempt petition is hereby closed.

Learned senior counsel for the complainant/petitioner in this matter, seeking for liberty in this matter.

Therefore, liberty is granted as in accordance with law.

CHIEF JUSTICE

Ab. Surjit