

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:136742-DB



(108)

LPA-2539-2024 (O&M)

Decided on : 19.10.2024

Apporva Kumar

.....Appellant(s)

Versus

Satyawan

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Anil Goel, Advocate (through V.C) &
Mr. Dinesh Maurya, Advocate for the appellant.

G.S. Sandhawalia, J.(Oral)

1. Present letters patent appeal is directed against an order dated 30.09.2024 passed in **COCP-2150-2023**, whereby the present appellant has been asked to remain present in the Court for the purpose of consideration on charge, on account of non-grant of the benefit under Section 17-B of the Industrial Disputes Act, 1947.

2. We are of the considered opinion that the present appeal is not maintainable in view of the law laid down by the Coordinate Bench in **Subhash Chander Sethi Vs. Sh. B.R. Kakkar, Commissioner, Municipal Corporation of Ludhiana, 1990(2) PLR 46**, wherein while relying upon the judgment of the Apex Court in **D.N. Taneja Vs. Bhajan Lal, (1988) 3 SCC 26**, it has been held that an appeal would only lie when the Court imposes a punishment for contempt. Similar view has been taken by the Apex Court in **Midnapore Peoples Co-op. Bank Ltd. and others Vs. Chunilal Nanda and others, (2006) 5 SCC 399**, wherein the law regarding the appeals against the order under the contempt proceedings had been summarized and it had been held that an appeal under Section 19 of the Act would only be maintainable against the decision of the High Court to punish for contempt. The relevant

part of the said judgment reads as under:-

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus :

I. An appeal under section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of 'jurisdiction to punish for contempt' and therefore, not appealable under section 19 of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and

there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly.

3. The judgment relied upon by counsel for the appellant passed by a three Judges Bench in **Civil Appeal Nos.8129 7 8130 of 2024 ‘Ajay Kumar Bhalla & others Vs. Prakash Kumar Dixit’** decided on 29.07.2024 (Annexure A-23) only reiterates the position of law, which we have noticed above. The three Judges Bench headed by learned Chief Justice of India has rather recorded that an appeal would lie only against an order imposing a punishment as such. The facts of the said case, thus, would go on to show that the learned Single Judge had held the Inspector General of Police (Personnel) and DIG (Personnel) guilty of contempt and then granted them an opportunity and in the present case the charge is yet to be framed. Therefore, the said judgment would not be of any assistance to the counsel for the appellant.

4. Faced with this situation, counsel for the appellant submits that he be given liberty to deposit the outstanding amount. We are sanguine, if any such request is made by the appellant before the Contempt Court, the same shall be considered positively.

5. The appeal is disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

19.10.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No