



\$~51

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.APP.(C) 13/2024**

DIRECTOR GENERAL CPWD

..... Appellant

Through: Mr. Chetan Sharma, ASG with Mr.
Rajesh Gogna, CGSC with Mr. Amit
Gupta, Mr. Saurabh Tripathi, Mr.
Vikramaditya Singh and Ms.
Jayashree, Advocates.

versus

ALL INDIA CPWD EMPLOYEES UNION

..... Respondent

Through: Mr. Deepak Khadaria, Advocate

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.03.2024

%

CM APPL. 15052/2024

Exemption allowed subject to all just exceptions.

Application is disposed of.

**CONT.APP.(C) 13/2024, CM APPL. 15051/2024 (stay), CM APPL.
15053/2024 (Delay of 46 days)**

1. Mr. Chetan Sharma, learned ASG says that the order of the learned Single judge is overlooking the judgment of the Division Bench of this Court.
2. An issue of the maintainability of the appeal under Section 19 of the Contempt of Courts Act, 1971, has been raised by this Court as this appeal has been filed challenging the order of the learned Single Judge dated December 04, 2023 in Contempt Case (C) No.230/2011 whereby the learned Single Judge has in para 12 stated as under:



“12. In the said aforesaid facts and circumstances, this Court has no hesitation in finding that the concerned officials of the respondents are prima facie guilty of wilful disobedience of the directions of this Court dated 25.09.2008. Issue Show Cause Notice to the present Director General, CPWD to appear before this Court and explain as to why he should not be held guilty of civil contempt of Court and be not punished accordingly. The entire record in original be preserved and be produced before this Court.”

3. Concededly there is no order of punishment passed by the learned Single Judge in exercise of his jurisdiction under the Contempt of Courts Act, 1971 and as such, in view of the judgments of the Supreme Court in ***DN Taneja v. Bhajan Lal***, 1988 SCC (3) 26 and ***Midnapore Peoples Co-op. Bank v. Chunni Lal Panda and Ors.***, AIR 2006 SC 2190 as followed by this Court in its latest opinion in the case of ***Harish Kumar Kathuria & Ors. v. Sanjay Gupta & Ors.***, 2024 SCC OnLine Del 817, the present appeal is not maintainable, liberty is with the appellant to seek such remedy as available in law.
4. The appeal and pending applications are dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 12, 2024/So..