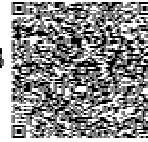


2025:PHHC:095450-DB



CACP-21-2025 (O&M)

Date of Decision: 30.07.2025

Navdeep Singh Virk and others

...Appellants

Vs.

Ravinder Kumar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. P.P. Chahar, Sr. DAG, Haryana,
Mr. Saurabh Mago, DAG, Haryana
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, AAG, Haryana for the appellants.

ASHWANI KUMAR MISHRA J. (Oral)

1. The learned Single Bench vide order dated 11.03.2025, has issued directions to recover a sum of Rs.50,000/- from the salary of the officers concerned.
2. The appeal has been filed under Section 19 of the Contempt of Courts Act, 1971, challenging the aforesaid order passed by the learned Single Bench.
3. Learned counsel for the appellants submits that since the order passed by the learned Single Bench is not referable to exercise of contempt jurisdiction and the learned Single Bench apparently has invoked jurisdiction

under Article 226 of the Constitution of India, therefore, the appellants be permitted to convert this appeal into the '*letters patent appeal*'.

4. Prayer in that regard is allowed. Learned counsel for the appellants undertakes to furnish amended appeal within three days from today, in the Registry.

5. Notice of motion.

6. Mr. Yesh Paul Malik, Advocate accepts notice on behalf of the respondents.

7. Learned counsel for the respondents although opposes the prayer made in the appeal but has not been able to show that the order passed by the learned Single Judge is referable in exercise of contempt jurisdiction. Prayer however, is made to decide the present appeal finally.

8. Learned Single Bench in exercise of such jurisdiction is required to examine as to whether there is any intentional or willful disobedience of the orders passed by the writ Court. If it is so found, the concerned Court will have to frame charges and it is always open for the learned Single Bench to thereafter proceed in the matter, in accordance with law.

8. However, the directions which have been issued by the learned Single Bench requiring the appellants to deposit Rs.50,000/- from their own pocket are clearly in excess of jurisdiction and cannot be sustained. Neither the appellants are held guilty nor charges are framed against them. The order passed by the learned Single Bench, therefore, cannot be said to be within the ambit and scope of contempt jurisdiction and consequently the same cannot be sustained. Consequently, this appeal is allowed and order passed by the learned Single Bench dated 11.03.2025, stands set aside. Liberty stands

reserved to the learned Single Bench to proceed in the matter, in accordance with law.

9. All pending misc. application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

30.07.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No