



2026:DHC:1043-DB



\$~18 to 20 & 22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 6th February, 2026

Uploaded on: 10th February, 2026

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+ **CONT.APP.(C) 2/2026 & CM APPL. 8303/2026, CM APPL. 8304/2026**

RAGHUNATH SINGH & ORS.

.....Appellants

versus

CHETAN PRAKASH JAIN & ANR.

.....Respondents

~19

+ **CONT.APP.(C) 3/2026 & CM APPL. 8305/2026**

PRASANNA KUMARI

.....Appellant

versus

SHRI CHETAN PRAKASH JAIN & ANR.

.....Respondents

~20

+ **CONT.APP.(C) 4/2026 & CM APPL. 8306/2026**

MAHARAJ SINGH & ORS.

.....Appellants

versus

SHRI CHETAN PRAKASH JAIN & ANR.

.....Respondents

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+ **CONT.APP.(C) 5/2026 & CM APPL. 8460/2026**

RAJESH KUMAR JAIN

.....Appellant

versus

SHRI CHETAN PRAKASH JAIN & ANR.

.....Respondents

Appearance for the Appellants:- Mr. Kamlesh Kumar Mishra, Ms. Renu, Mr. Swagat, Mr. Sidharth Sarup, Ms. Mansi, Advs.



Appearance for the Respondents:- Mr. T. P. Singh, SPC with Mr. Vivek Nagar,(GP) , Mr. Anil Mittal, Adv., Ms. Shiva Lakshmi, Mr. Madhav Bajaj, Advs., Mr. Nipun Jain (GP), Mr. Atul Chauhan, Mr. Bhim Singh, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 8304/2026

CM APPL. 8305/2026

CM APPL. 8306/2026

CM APPL. 8460/2026

2. Allowed, subject to all just exceptions. Accordingly, these applications are disposed of.

CONT.APP.(C) 2/2026

CONT.APP.(C) 3/2026

CONT.APP.(C) 4/2026

CONT.APP.(C) 5/2026

3. The present contempt appeals have been filed by the Appellants under Section 19 of the Contempt of Courts Act, 1971, *inter alia*, assailing the order passed by the Id. Single Judge dated 14th January, 2026 in ***CONT.CAS(C) 55/2026*** and ***CONT.CAS(C) 53/2026*** and order dated 13th January, 2026 in ***CONT.CAS(C) 51/2026*** and ***CONT.CAS(C) 45/2026***.

4. *Vide* the impugned orders, the Id. Single Judge has dismissed the contempt petitions of the Appellants.

5. The background of the present cases is that, there were several employees of the Central Electronics Limited (*hereinafter*, 'CEL'), who had filed writ petitions before this Court, seeking directions for payment of



enhanced gratuity amount of Rs. 20 lakhs with interest in terms of O.M. dated 3rd August, 2017, issued by the Department of Public Enterprises and provisions of the Payment of Gratuity Act, 1972.

6. As per these employees they were similarly placed to the employees who had approached the Uttarakhand High Court, Nainital. In a batch of petitions where the lead petition was ***W.P.(C) 819/2016*** titled ***Nawab Khan v. Union of India and Ors.***, the Uttarakhand High Court vide order dated 13th September, 2019 had directed payment of the enhanced gratuity in the following terms :

“38. Payment of gratuity is to be given as per the Payment of Gratuity Act, 1972. The maximum limit which has been fixed under sub-section (3) of Section 4 of the Act is the one which is to be notified by the Central Government and it is true that at the relevant time even at the time when the petitioners had reached the age of superannuation, the notification which was existing under the Payment of Gratuity Act, 1972 prescribed a maximum gratuity of Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand only). This amount has already been given to the petitioners. The petitioners claim Rs.10,00,000/- (Rupees Ten Lakh only) in terms of subsection (5) of Section 4 of the Act. After deducting Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand only) from the sum of Rs.10,00,000/- (Rupees Ten Lakh only), the remaining gratuity amount shall be given to each of the petitioner.

39. Considering the facts and circumstances of the case and in view of the fact that when a delayed payment of gratuity is made, under sub-section (3-A) of Section 7 of the Act, it has to be given along with an interest as fixed by the Government of India.



XXX

42. Therefore since out of Rs.10,00,000/- (Rupees Ten Lakh only), Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand only) has already been paid, the remaining amount of Rs.6,50,000/- (Rupees Six Lakh Fifty Thousand only) shall be given to each of the petitioners at the rate of 10 per cent simple interest per annum from the due date i.e. after one month when each of the petitioners had reached the age of superannuation and retired from service. The amount shall be paid by the respondents within a period of four weeks from the date of production of a certified copy of this order.

43. In view of the above, writ petitions stand disposed.”

7. Subsequently, the judgment in **Nawab Khan (Supra)** was challenged before the Supreme Court by the Respondents. *Vide* order dated 25th July, 2022, in **SLP No. 28903/2019** the Supreme Court had dismissed the said SLP.

8. Thereafter, review petitions being **Review Petition (Civil) No. 1176/2022** were filed against the order dated 25th July, 2022. The same were also rejected by the Supreme Court *vide* order dated 1st November, 2022.

9. Pursuant thereto, the Appellants had filed writ petitions before this Court. The same was decided by the Id. Single Judge on 17th September, 2024. By the said judgment, the Court directed that the Appellants’ case deserves to be considered in the light of the judgment of **Nawab Khan (Supra)**. The operative portion of the order dated 17th September, 2024 reads as under:

“17. After an extensive hearing, at this stage, Mr. Kamlesh Kumar Mishra, learned counsel for the Petitioners submits that no doubt a detailed affidavit has been filed by CEL bringing forth the reason for denying enhanced gratuity to the Petitioners in the wake of its financial health taking refuge under the



affordability clause stipulated in O.M. dated 03.08.2017, however, none of these reasons find mention in the impugned orders rejecting the representations of the Petitioners made from time to time. Moreover, case of the Petitioners is covered by the judgment of the High Court of Uttarakhand in **Nawab Khan (Supra)**, wherein it is held that when an organisation is able to discharge its liability of pay revision, its financial health is stable and gratuity which is not a bounty of the State cannot be denied on this score. He submits that over a period of time, even otherwise, there has been change in the financial condition of CEL and therefore without entering into merits, these writ petitions be disposed of permitting the Petitioners to make a comprehensive representations to CEL with a direction to the said Respondent to reconsider the issue in light of provisions of 1972 Act, judgment of the High Court of Uttarakhand in **Nawab Khan (Supra)** and the primordial contention of the Petitioners that having implemented the wage revision with enhancement in allowances etc., CEL has the financial viability to pay gratuity to the Petitioners who retired post 01.01.2017 but before 29.03.2018.

18. In view of the limited relief now sought by the Petitioners and without entering into the merits of the inter se disputes, these writ petitions are disposed of leaving it open to the Petitioners to make a comprehensive representation(s) to CEL for reconsideration of the decision denying enhanced gratuity of Rs.20 lacs to the Petitioners in light of the submissions that may be made in the said representations and keeping in backdrop the judgment of the High Court of Uttarakhand in Nawab Khan (Supra) which was upheld by the Supreme Court. As and when the representation(s) are received, the same shall be decided by CEL



within a period of 3 months from the date of receipt and a reasoned and speaking order shall be passed thereon. Needless to state Petitioners will be at liberty to take recourse to legal remedies in case of any surviving grievance.”

As per the above Judgement, the Petitioners’ representation was to be considered and decided in the backdrop of the judgement in **Nawab Khan (supra)**, within a period of 3 months.

10. Thereafter, the Appellants made representations dated 23rd October, 2024, which were finally decided by the Managing Director, CEL on 11th March, 2025 and 18th March, 2025.

11. In its decision, the CEL has taken the position that the amounts are not liable to be paid to the Appellants as the CEL did not accept the interpretation in **Nawab Khan (Supra)** and it was also observed that there was no specific order in favour of Appellants by the decision in **Nawab Khan (supra)**. Thus, the representations of the Appellants were rejected. The decisions on the representations is recorded as under:-

*“31. The **Nawab Khan Judgment** has not considered the interpretation of the OM 2007 with respect to its Clause 3 ad 17, which provides for the affordability. Further, the **Nawab Khan Judgment** does not consider that the OM is directory in nature. In fact, the **Nawab Khan Judgment** is at variance with the view taken by Hon'ble High Court of Delhi on this issue.*

32. Thus, in view of the above, the representation is declined and the request made cannot be acceded to.”

12. The Appellants preferred contempt petitions before the Ld. Single



Judge on the ground that the rejection of the representations constitutes contempt.

13. However, the Id. Single Judge has taken a view that the contempt petitions would not be maintainable as the Appellants and the other similarly placed parties have already filed writ petitions challenging the rejection of their representations. The operative portion of order dated 13th January, 2026 and 14th January, 2026 passed by the Id. Single Judge is as under:-

*“5. Learned counsel for the petitioners submit that although speaking orders dated 11.03.2025 and 18.03.2025 have been passed by CEL, the same are not in consonance with the dicta laid down in **Nawab Khan v. Union of India & Others**, Writ Petition (M/S) No. 891/2016 and connected matters. It also transpires that the petitioners have already taken legal recourse by assailing the aforesaid speaking orders by way of substantive writ petitions.*

6. It transpires that the respondents have passed the aforesaid speaking orders in terms of the directions contained in the judgments dated 17.09.2024 and 26.11.2024 respectively, and on a perusal of the said speaking orders, it cannot be said that there has been any wilful disobedience by the said respondents with the directions contained in the aforesaid judgments.

7. The petitioner is well within its rights to urge that the speaking orders are based on a clear misconception and misunderstanding of the law laid down in Nawab Khan (Supra). However, this is an aspect which is required to be urged by the petitioner in the writ petitions already filed.

8. In the factual conspectus, this Court is not inclined to entertain these contempt petitions.



Accordingly, the present contempt petitions are disposed of.”

14. The orders dated 13 January, 2026 and 14 January, 2026 passed by the Id. Single Judge are under challenge in the present contempt appeals.

15. Mr. Mishra, Id. Counsel for the Appellants submits that under Section 19 of the Contempt of Courts Act, 1971, the present contempt appeals would be maintainable.

16. It is further submitted by Id. Counsel for the Appellants that the entire purpose of the judgement passed in **Nawab Khan (Supra)** has been defeated by the CEL.

17. On the other hand, Mr. Mittal, Id. Counsel for the Respondents submits that the Appellants have already challenged the rejection of their representations in **W.P.(C) 4403/2025** and other connected matters. Therefore, the same would have to be adjudicated in the pending writ petitions and the present contempt appeals are not maintainable.

18. This Court has heard the Id. Counsels for the parties. The Court has perused the reasons for rejection of the Appellant’s representations by the CEL. *Prima facie*, the Court is of the opinion that the CEL being a government undertaking, cannot give an opinion that the decision of the Uttarakhand High Court in **Nawab Khan (Supra)**, after having been upheld by the Supreme Court, has not interpreted the affordability clauses stipulated in OM 2007 correctly.

19. However, this Court is constrained under Section 19 of the Contempt of Courts Act, 1971. Id. Counsel for the Appellants however submits that the present appeals would be maintainable under Section 19 of the Contempt of Courts Act, 1971.



20. However, the law is well settled in this regard. Contempt appeals under Section 19 of the Contempt of Courts are maintainable only when there is a punishment for contempt. The Supreme Court in the decision in *Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda*, (2006) 5 SCC 399, held that an appeal under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt i.e., an order imposing punishment for contempt. The relevant portion of the said decision reads as under:

“10. Section 19 of the Contempt of Courts Act, 1971 (“the CC Act” for short) provides for appeals. Relevant portion of sub-section (1) thereof is extracted below:

“19. (1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt—

(a) where the order or decision is that of a Single Judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:”

*The scope of Section 19 has been considered by this Court in Baradakanta Mishra v. Justice Gatikrushna Misra [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] , Purshotam Dass Goel v. Justice B.S. Dhillon [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] , Union of India v. Mario Cabral e Sa [(1982) 3 SCC 262 : 1983 SCC (Cri) 10 : AIR 1982 SC 691] , D.N. Taneja v. Bhajan Lal [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] , State of Maharashtra v. Mahboob S. Allibhoy [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] and J.S. Parihar v. Ganpat Duggar [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] . **These cases dealt***



with orders refusing to initiate contempt proceedings or initiating contempt proceedings or acquitting/exonerating the contemnor or dropping the proceedings for contempt. In all these cases, it was held that an appeal was not maintainable under Section 19 of the CC Act as the said section only provided for an appeal in respect of orders punishing for contempt.

10.1. In *Baradakanta Mishra* [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] a three-Judge Bench of this Court held that an order declining to initiate a proceeding for contempt amounts to refusal to assume or exercise jurisdiction to punish for contempt and, therefore, such a decision cannot be regarded as a decision in the exercise of its jurisdiction to punish for contempt. The question as to whether an appeal would be maintainable under Section 19 where the court initiates a proceeding for contempt but after due consideration and hearing finds the alleged contemnor not guilty of contempt, or having found him guilty declines to punish him, was left open.

10.2. In *Purshotam Dass Goel* [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] certain aspects of Section 19 were left open. This relevant portion is extracted below: (SCC pp. 371-72, para 3)

“The [contempt] proceeding is initiated under Section 17 by issuance of a notice. Thereafter, there may be many interlocutory orders passed in the said proceeding by the High Court. It could not be the intention of the legislature to provide for an appeal to this Court as a matter of right from each and every such order made by the High Court. The order or the decision must be such that it decides some bone of contention raised before the High Court affecting the right of the party aggrieved. Mere initiation of a proceeding for contempt by the



issuance of the notice on the prima facie view that the case is a fit one for drawing up the proceeding, does not decide any question. ... It is neither possible, nor advisable, to make an exhaustive list of the type of orders which may be appealable to this Court under Section 19. A final order, surely, will be appealable.

If the alleged contemnor in response to the notice appears before the High Court and asks it to drop the proceeding on the ground of its being barred under Section 20 of the Act but the High Court holds that the proceeding is not barred, it may well be that an appeal would lie to this Court under Section 19 from such an order although the proceeding has remained pending in the High Court. We are not called upon to express our final opinion in regard to such an order, but we merely mention this type of order by way of an example to show that even orders made at some intermediate stage in the proceeding may be appealable under Section 19.”

10.3. *While Baradakanta Mishra [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] and Purshotam Dass [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] left open the question whether an appeal under Section 19 would be maintainable in certain areas, in D.N. Taneja [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] a three-Judge Bench of this Court categorically held that appeals under Section 19 would lie only against the orders punishing the contemnor for contempt and not any other order passed in contempt proceedings. We extract below the relevant portions from the said decision: (SCC pp. 29-32, paras 8, 10 & 12)*

“The right of appeal will be available under subsection (1) of Section 19 only against any decision



or order of a High Court passed in the exercise of its jurisdiction to punish for contempt. ... When the High Court does not impose any punishment on the alleged contemnor, the High Court does not exercise its jurisdiction or power to punish for contempt. The jurisdiction of the High Court is to punish. When no punishment is imposed by the High Court, it is difficult to say that the High Court has exercised its jurisdiction or power as conferred on it by Article 215 of the Constitution.

It is true that in considering a question whether the alleged contemnor is guilty of contempt or not, the court hears the parties and considers the materials produced before it and, if necessary, examines witnesses and, thereafter, passes an order either acquitting or punishing him for contempt. When the High Court acquits the contemnor, the High Court does not exercise its jurisdiction for contempt, for such exercise will mean that the High Court should act in a particular manner, that is to say, by imposing punishment for contempt. So long as no punishment is imposed by the High Court, the High Court cannot be said to be exercising its jurisdiction or power to punish for contempt under Article 215 of the Constitution.

The aggrieved party under Section 19(1) can only be the contemnor who has been punished for contempt of court.”

(emphasis supplied)

10.4. *In Mahboob S. Allibhoy [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] this Court reiterated the above position thus: (SCC p. 414, para 3)*

“On a plain reading Section 19 provides that an appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt. In other words,



if the High Court passes an order in exercise of its jurisdiction to punish any person for contempt of court, then only an appeal shall be maintainable under sub-section (1) of Section 19 of the Act. As sub-section (1) of Section 19 provides that an appeal shall lie as of right from any order, an impression is created that an appeal has been provided under the said sub-section against any order passed by the High Court while exercising the jurisdiction of contempt proceedings. The words 'any order' have to be read with the expression 'decision' used in the said sub-section which the High Court passes in exercise of its jurisdiction to punish for contempt. 'Any order' is not independent of the expression 'decision'. They have been put in an alternative form saying 'order' or 'decision'. In either case, it must be in the nature of punishment for contempt. If the expression 'any order' is read independently of the 'decision' then an appeal shall lie under sub-section (1) of Section 19 even against any interlocutory order passed in a proceeding for contempt by the High Court which shall lead to a ridiculous result."

10.5.*J.S. Parihar v. Ganpat Duggar [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] is nearest to this case, on facts. A contempt petition was filed alleging that the seniority list drawn pursuant to the order of the High Court was not in conformity with the said order. The High Court found it to be so, but held that the disobedience was not wilful and, therefore, did not punish for contempt. But the High Court gave a direction to redraw the seniority list. The State Government challenged the said direction in an intra-court appeal. The Division Bench held that the appeal was not maintainable under Section 19 of the CC Act, but was maintainable as an intra-court appeal as the direction issued by the Single Judge would be a "judgment" within the meaning of that*



expression in Section 18 of the Rajasthan High Court Ordinance. Accordingly, the Division Bench set aside the direction of the learned Single Judge to redo the list. The said order was challenged before this Court. This Court confirmed the decision of the Division Bench and held as follows: (SCC pp. 293-94, paras 5 & 6)

“Therefore, an appeal would lie under Section 19 when an order in exercise of the jurisdiction of the High Court punishing the contemnor has been passed. In this case, the finding was that the respondents had not wilfully disobeyed the order. So, there is no order punishing the respondent for violation of the orders of the High Court. Accordingly, an appeal under Section 19 would not lie.

The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible....”



11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised 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 the 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.”*

21. The decision of the Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd.*** has been followed by this Court in ***CONT.APP.(C) 23/2025*** titled '***RK Sharma v. Sh. Amarjeet Singh***'. Accordingly, the present appeals filed under Section 19 of the Contempt of Courts Act, 1971 are not maintainable.
22. Needless to add, the present appeals are disposed of leaving open the question on merits, to be decided by the Id. Single Judge in the pending writ petitions.
23. The Appellants may pray for the expeditious disposal of the pending writ petitions, before the Id. Single Judge.
24. The present appeals are disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 6, 2026/prg/sm