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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 05.02.2026

% **LPA 57/2026 & CM APPL. 7966/2026**

SACHINAppellant

Through: Ms. Vasudha Saini, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Chetanya Puri, SPC with
Ms. Himani, GP and Ms. Nisha Puri,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

DEVENDRA KUMAR UPADHYAYA, CJ. (ORAL)

CM APPL. 7967/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 57/2026 & CM APPL. 7966/2026 (for stay)

3. This Letters Patent Appeal questions the validity of an order dated 24.12.2025 passed by learned Single Judge in *CONT.CAS.(C) 1994/2025* instituted by the appellant, whereby the Contempt Petition has been disposed of by observing that in the facts of the case no willful disobedience is made out.

4. On a query by the Court as to how the instant Letters Patent Appeal shall be maintainable in view of the law laid down by the Hon'ble Supreme



Court in **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, 2006**

(5) **SCC 399**, learned counsel for the appellant has submitted that the instant Letters Patent Appeal will be maintainable in view of observations (IV) and (V) as contained in paragraph 11 of the judgment of **Midnapore Peoples' Coop. Bank Ltd. (supra)**. In this regard, the submission is that learned Single Judge, while disposing of the Contempt Petition *vide* impugned order dated 24.12.2025, has made certain observations which touches the merits of the dispute and therefore, the appeal under Section 19 of the Contempt of Courts Act, 1971 will not be maintainable, however, the Letters Patent Appeal will be maintainable as per dictum laid down in **Midnapore Peoples' Coop. Bank Ltd. (supra)**.

5. It has further been stated on behalf of the appellant that since by the observations made in paragraph 11 of the impugned order, learned Single Judge makes a decision relating to merits of the dispute between the parties and therefore, as per the law laid down **Midnapore Peoples' Coop. Bank Ltd. (supra)**, intra-court appeal would be maintainable.

6. Reliance has also been placed by learned counsel for the appellant on the judgment of Hon'ble Supreme Court in **Ajay Kumar Bhalla v. Prakash Kumar Dixit**, rendered on 29.07.2024 in **Civil Appeal Nos. 8129-8130/2024**. It has been stated that in **Ajay Kumar Bhalla (supra)**, after considering the judgment in **Midnapore Peoples' Coop. Bank Ltd. (supra)**, Hon'ble Supreme Court has held that intra-court appeal in the said matter was maintainable for the reason that learned Contempt Judge had given a finding that the respondent was entitled to promotion. Drawing parallel with the facts on which **Ajay Kumar Bhalla (supra)** is based, it has been argued



by learned counsel for the appellant that the learned Contempt Judge while passing the impugned order, in paragraph 11 has noticed the submission on behalf of the respondent that decision *qua* the appellant shall be communicated to him once the process is complete which is on its last stage, thereby the learned Contempt Judge has in effect modified the order dated 25.08.2025 passed by the Writ Court in *W.P.(C) 10792/2025* filed by the appellant. In this respect, it has been argued that the learned Writ Court, while disposing of the said writ petition *vide* order dated 25.08.2025 had noted the submission of the learned counsel for the respondent that process of compassionate appointment was under active consideration and that if the appellant is eligible in terms of the policy and can be accommodated in the available vacancies for compassionate appointment, decision to this effect will be communicated to him within four weeks. Further submission is that after noticing the said statement made on behalf of the respondent, the Writ Court directed the respondent to communicate the status of the appellant's request, both on the question of eligibility and availability of vacancy/wait list. However, the decision to the appointment of the appellant on compassionate ground was not communicated as directed by the Writ Court *vide* order dated 25.08.2025, rather, what all was communicated to the appellant by the respondent was that final result of compassionate appointment was under consideration before the Committee constituted under a Professor and Consultant of the hospital, which was likely to be released very soon. Learned Contempt Judge, to the contrary, noticed the submission of the respondent that the decision *qua* the appellant shall be communicated to him once the process is complete. In this view, the submission is that the time limit prescribed under the order dated 25.08.2025



has been altered by the Contempt Judge, which touches the merit of the claim of the appellant and therefore, the instant Letters Patent Appeal is maintainable.

7. Having heard the learned counsel for the appellant and perused the impugned order in this Letters Patent Appeal, we find that the instant appeal is not maintainable.

8. The appellant instituted the proceedings of *W.P.(C) 10792/2025* with the prayer for issuing a direction to appoint him on compassionate grounds on account of death of his father, which occurred on 25.04.2021 while he was in service. The said writ petition was disposed of by the Writ Court by means of the order dated 25.08.2025, noticing the statement made on behalf of the respondent that the process of compassionate appointment is under active consideration and that if the appellant is eligible in terms of the policy and can be accommodated in the available vacancies for compassionate appointment, decision to the said effect will be communicated to him within four weeks. The Writ Court further directed that status of the appellant's request on the question of eligibility and availability of vacancies/wait list may be communicated to him within the said period.

9. The Contempt Petition was filed by the appellant alleging disobedience of the order dated 25.08.2025, however, learned Contempt Judge while disposing of the Contempt Petition by means of the order dated 24.12.2025 has noticed the communication made to the appellant in compliance of the order dated 25.08.2025 passed by the Writ Court. The said communication dated 29.09.2025 intimated the appellant that his name is in the list of applicants who had applied for compassionate appointment



and that the file relating to compassionate appointment is under consideration and further that his name will be considered along with the other applicants under examination for compassionate appointment as per guidelines of the Department of Personnel and Training. It was also communicated to the appellant that the entire exercise of financial verification/assessment of financial condition of the family after visiting appellant's house/residence has been completed. The communication dated 29.09.2025 also informs the appellant that there are 16 vacancies to be filled in on compassionate ground and 142 applicants are available for consideration and that the final result of compassionate appointment is under consideration before the Committee, which is likely to be released very soon.

10. Keeping the aforesaid communication dated 29.09.2025 in mind, learned Contempt Judge disposed of the Contempt Petition by observing that no willful disobedience of the order dated 25.08.2025 is made out. While disposing of the Contempt Petition, learned Contempt Judge, in paragraph 11 of the impugned order dated 24.12.2025 has only recorded the statement of the respondent that decision *qua* the appellant shall be communicated to him once the process is complete, which is on its last stage. Paragraph 11 of the impugned order dated 24.12.2025 is extracted herein below:

*“11. Learned counsel appearing on behalf of the respondent submits that decision *qua* the petitioner shall be communicated to him once the process is complete which is on its last stage.”*

11. Learned counsel for the appellant has emphatically stated that the observations made by learned Contempt Judge in paragraph 11 of the



impugned order touches the merits of the dispute and therefore, appeal would be maintainable.

12. In our considered opinion, there is nothing in paragraph 11 of the impugned order dated 24.12.2025 passed by the learned Contempt Judge, which can be said to be touching the merits of the dispute between the parties.

13. Hon'ble Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. (supra)*** has culled out the circumstances in which an appeal under Section 19 of the Contempt of Courts Act, 1971 and a Letters Patent Appeal would be maintainable against the order of learned Single Judge in contempt proceedings. Paragraph 11 of the judgment in ***Midnapore Peoples' Coop. Bank Ltd. (supra)*** is extracted herein below:

“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).”

14. As per the law laid down in ***Midnapore Peoples' Coop. Bank Ltd. (supra)***, if any direction is issued or decision made by learned Single Judge on the merits of the dispute between the parties, in such a situation such an order will not be appealable under Section 19 of the Contempt of Courts Act, 1971. It has further been observed that if the learned Single Judge decides an issue or makes any direction relating to the merits of the dispute of the parties in contempt proceedings, such an order is open to challenge in intra-court appeal.

15. As already observed above, we are of the considered view that paragraph 11 of the impugned order dated 24.12.2025 passed by learned Contempt Judge does not in any manner, whatsoever, issues any direction or makes any decision on the merits of the dispute between the parties and,



accordingly, impugned order is not appealable in the instant intra-court appeal.

16. So far as the reliance placed by learned counsel for the appellant on the judgment of *Ajay Kumar Bhalla (supra)* is concerned, in the said case a finding was returned by learned Single Judge in contempt proceedings that the respondent therein was entitled to promotion to the rank of I.G. Obviously, any finding on the entitlement of a party to the proceedings of a Contempt Petition for being promoted is a finding on the merits of the claim which can be made only in proceedings of a substantive writ petition and, therefore, the Letters Patent Appeal in the said case was held to be maintainable.

17. The facts of the case in the instant case are clearly distinguishable and, therefore, the judgment of the Hon'ble Supreme Court in *Ajay Kumar Bhalla (supra)* is of no avail to the appellant.

18. For the reasons aforesaid, we do not find instant intra-court appeal to be maintainable, which is hereby dismissed.

19. However, there will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 05, 2026
“shailendra”