

Neutral Citation No. - 2025:AHC-LKO:48605-DB

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 255 of 2025

Appellant :- Director General U.P. Council for Agriculture Research
Lko

Respondent :- Dr. Ambreesh Singh Yadav

Counsel for Appellant :- Lalta Prasad Misra,Jaideep Srivastava

Counsel for Respondent :- Ayush Chaudhary,Rakesh Kumar
Chaudhary

Alongwith

Case :- SPECIAL APPEAL No. - 256 of 2025

Appellant :- Director General U.P. Council for Agriculture Research
Lko.

Respondent :- Dr Balvir Singh

Counsel for Appellant :- Lalta Prasad Misra,Jaideep Srivastava

Counsel for Respondent :- Ayush Chaudhary,Rakesh Kumar
Chaudhary

Alongwith

Case :- SPECIAL APPEAL No. - 257 of 2025

Appellant :- Director General U.P. Council for Agriculture Research
Lko.

Respondent :- Dr. Gyanmanjary Rao and 2 others

Counsel for Appellant :- Jaideep Srivastava,Lalta Prasad Misra

Counsel for Respondent :- Gaurav Mehrotra

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Jaspreet Singh,J.

1. An order passed by the Contempt Court dated 31.07.2025 in three contempt petitions whereby charge has been framed against the appellant, is under challenge in all the three intra-court appeals. Since the facts and the question of law raised in all the three appeals is common, hence they have been connected and are being decided by this common order.

2. At the outset, Dr. L. P. Misra, learned counsel for the appellant has filed an application for amendment in all the three appeals and submits that inadvertently the appellant have not been appropriately

described in the array of parties in the three appeals, hence he prays that the application for amendment be considered.

3. Having taken note of the averments made in the applications for amendment, this Court is of the view that the same is formal in nature and does not impact the merits of the case and moreover there is no legal impediment in allowing the said applications. Consequently, the said application filed in all the three appeals are allowed. Learned counsel for the appellants shall carry out the necessary amendment in the array of parties before they are issued a certified copies.

4. Dr. L. P. Misra, learned counsel for the appellant on merits, has submitted that the Contempt Court has exceeded its jurisdiction while passing the impugned order dated 31.07.2025 as it has entered into the merits of the controversy which was the subject matter of the writ court and ignoring a vital fact relating to the pendency of an application for vacation of the interim stay and it proceeded to frame a charge against the appellant, which is bad in the eyes of law.

5. It is further urged that while framing a charge the Contempt Court is required to form a higher degree of satisfaction, more than a *prima facie* consideration, to arrive at an opinion that the order passed by the writ court has not been complied with deliberately and only then the charge is framed. Framing of the charge amounts to passing an order which has the trappings of a judgment and a party aggrieved has a right to assail the same in an intra-court appeal.

6. It has further been urged that the Apex Court in the case of **Midnapore Peoples Cooperative Bank Ltd. and others Vs. Chunilal Nanda and others (2006) 5 SCC 399** while considering under what circumstances an intra-court appeal would lie from an order passed in contempt proceeding has been noticed in paragraph 11(v) of *Midnapore (supra)*. It is urged that where the High Court for any reason decides an issue or makes any direction relating to the

merits of the dispute, in contempt proceedings then the aggrieved party is not without a remedy and such an order is open to challenge in an intra-court appeal.

7. It is, thus, submitted that in the instant case, the sequence of event were such that the Contempt Court without considering the direction given by the Apex Court and also without considering the application for vacation of the stay moved by the appellant, proceeded to frame the charge vide the impugned order dated 31.07.2025 which is nothing but an exercise in excess of jurisdiction vested in law and the Contempt Court erred in entering into the arena of merits which was the subject matter of the writ court.

8. It has also been vehemently urged by Dr. Misra that against the order passed by the writ court an application seeking vacation of the interim order was moved by the appellants which is engaging the attention of the writ court and unless the said application is decided either way, till then it was not justified for the Contempt Court to have formed an opinion regarding deliberate violation of the order and in such circumstances it would have been appropriate if the Contempt Court could have deferred the proceedings giving time to the appellants to get their applications for vacation of the interim order decided. However, this opportunity has been deprived to the appellant by the Contempt Court and in such circumstances the appellants have been compelled to approach this Court in this instant intra-court appeal and in the given facts and circumstances, appropriate order be passed so that the appellant may be able to get his application for vacation of the interim order decided by the writ court or else the appellants will be subjected to great hardship and he would be punished for no rhyme or reason especially when the application for vacation of the interim order is pending. Thus, for all the aforesaid reasons the order impugned is bad and deserves to be set aside.

9. Dr. Misra has also relied upon a decision of the Apex Court

where it considered the aforesaid issue relating to the course to be adopted by the Contempt Court when an application for stay vacation is pending in the case of **Vinay Kumar Pandey Vs. Committee of Management Shri Gandhi Inter College and another**, Civil Appeal Nos.4007-4008 of 2020 (arising out of SLP (C) Nos.14995-14996 of 2020, arising of diary No.14268 of 2020) and on its strength it is urged that the appeals be allowed.

10. Shri Rakesh Chaudhary, learned counsel appearing for the respondent in intra-court Appeal Nos.255 and 256 of 2025 and Shri Gaurav Mehrotra learned counsel appearing for the respondent in the connected intra-court Appeal No.257 of 2025 have joined their cause and submitted that the instant intra-court appeal is not maintainable; inasmuch as the order impugned is purely an order passed in exercise of contempt jurisdiction. No endeavour has been made by the Contempt Court either to enter into the merits of the controversy which is the subject matter of the writ court nor it has passed any order which is either incidental or inextricably connected with any order of punishment. Noticing, the exceptions carved out by the Apex Court in Midnapore (supra) the order impugned does not fall within the said exception, hence the intra-court appeal is not maintainable.

11. It has further been urged that this Court in **Subhash Chandra Vs. Srikant Goswami Posted Managing Director, Sahkari Gram Vikas Bank Ltd. Lucknow and 2 others 2024 SCC OnLine All 5435** has considered in detail the circumstances where an intra-court appeal may lie arising out of orders passed in contempt proceedings which have been summarized in para-69 of the said judgment and applying the principles to be instant appeals, it would be clear that no ground as envisaged in para-69 of Subhash Chandra (supra) is made out and for the said reason the appeals are not maintainable.

12. It has further been submitted that the Contempt Court has considered the submissions of the parties and also found that *prima*

facie the order passed by the writ court was not complied with. The appellant earlier being aggrieved by the order dated 10.07.2025 passed in Contempt Application (Civil) Nos.355 and 356 of 2025 whereby on application moved by the appellant seeking deferment was rejected and further the Contempt Court directed that the order passed by the writ court be complied with, failing which, the appellant was required to appear before the Court for framing of charges.

13. It is urged that against the said order dated 10.07.2025, the appellant had assailed the same before the Apex Court where vide order dated 28.07.2025, the Apex Court declined to interfere and gave liberty to the appellant to raise all issues as raised by the appellants before the Apex Court, including the grounds upon which deferment of the case was sought including the ground of an application for vacation of the interim order dated 09.07.2024 was still under consideration of the writ court.

14. It is urged that against the order dated 10.07.2025, the appellants rightly had assailed the same before the Apex Court and now on the same analogy once the charge has been framed the appellants if at all aggrieved can only approach the Apex Court and not assail the order impugned in an intra-court appeal and for this reason also the appeals deserve to be dismissed

15. It has also been urged that the appellant had appeared before the Contempt Court on 18.08.2025 and gave his statement which was recorded by the Court that the appellant would comply with the order within ten days and time has already been granted fixing the matter for 01.09.2025. It is, thus, submitted that once a statement has been given to comply with the order for framing of charge now it cannot be assailed, hence, for all the aforesaid reasons the instant appeals are not maintainable and deserve to be dismissed.

16. The Court has heard the learned counsel for the parties and also

perused the material on record.

17. Since the issue of maintainability has been raised by the learned counsel for the respondent, hence this issue deserves to be considered foremost.

18. Whether an order passed by a Contempt Judge can be made appealable in an intra-court appeal was considered by the Apex Court in Midnapore (supra) and the same issue was considered by this Court in Subhash Chandra (supra). This Court taking note of the decisions of the Apex Court in Midnapore (supra) as well as in **Ajay Kumar. Bhalla Vs. Prakash Kumar Dixit 2024 SCC OnLine SC 1874** laid down the principles in what circumstances an intra-court appeal would lie against an order passed in contempt jurisdiction and relevant para-69 of Subhash Chandra (supra) is being reproduced hereinafter for ready reference:

69. The pith and substance of the aforesaid discussion, the legal principles involved and circumstances when an appeal may lie under Section 19 of the Contempt of Courts Act, 1971 and when a Special Appeal may lie from an order passed in contempt jurisdiction can be summarized as under:—

(A) Section 19 (1) of the Contempt of Courts Act can be invoked only when the Contempt Court has exercised its jurisdiction to punish for contempt. The essence of this provision is to provide a remedy against decision where the court has taken a definitive action to penalize a contemnor. This includes orders that impose fines, imprisonment, or other punitive measures directly related to the contemptuous behavior. Interlocutory orders, which do not entail punishment for contempt, do not fall within the ambit of Section 19. Such orders may include directions to produce documents, file affidavits, or procedural directives necessary for the continuation of the contempt proceedings. These are routine judicial actions that facilitate the progress of the case but do not constitute a final determination on the issue of contempt. Routine orders passed during the pendency of contempt proceedings are also excluded from the scope of Section 19. These orders are typically procedural and administrative in nature, ensuring that the proceedings move forward without addressing the substantive issues of the original case or the merits of the contempt.

(B) The crux of the matter lies in the nuanced interpretation of what constitutes “merit” within the context of contempt proceedings, as referenced by the Supreme Court in the

Midnapore Peoples Cooperative Bank Limited case. The term “merit” has not been defined in a straight jacket formula, leading to varying interpretations. However, a cumulative reading of the judgments provide clarity on several key aspects. In the Midnapore case, the Supreme Court held that in contempt proceedings, it is inappropriate to adjudicate or decide any issue related to the merits of the dispute between the parties. This principle aims to ensure that contempt proceedings do not encroach upon the substantive rights of the parties involved in the original dispute. The focus of contempt jurisdiction is to uphold the dignity and authority of the court, not to resolve the underlying dispute. The term “merit” in this context refers to the substantive issues of the original case that led to the contempt proceedings. It encompasses the core legal and factual questions that were or are being contested in the original litigation.

(C) Special appeals from the order or judgment of a single judge bench in contempt cases hinge on the distinction between addressing the merits of the original dispute and the conduct constituting contempt. The primary responsibility of the Contempt Court is to determine whether contempt has occurred and to impose appropriate sanctions if it has. The merits of the original controversy are outside the domain of the contempt court. However, when the Contempt Court issues directions or discusses the merits of the original controversy, it oversteps its jurisdiction. In such cases, a special appeal would lie to the High Court. This ensures that the original substantive issues are not inadvertently decided within the limited scope of contempt proceedings, preserving the parties’ rights to a fair adjudication of their dispute.

(D) The interpretation of each case depends on its specific facts and circumstances. Courts must carefully distinguish between orders that address the procedural aspects of contempt proceedings and those that encroach upon the substantive issues of the original case. This distinction is crucial to maintaining the integrity of contempt jurisdiction and ensuring that appeals under Section 19 of the Act of 1971 are appropriately limited to cases where punitive action for contempt has been taken.

Thus, Special appeals in contempt cases are warranted only when the Contempt Court oversteps its jurisdiction by addressing the merits of the original dispute, ensuring that the substantive rights of the parties are protected. The interpretation of each case must consider the specific facts and circumstances to uphold the integrity of contempt jurisdiction and provide appropriate remedies for aggrieved parties.

19. In light of the aforesaid principles, now the order passed by the Contempt Court is to be examined. Apparently, the order impugned runs in several pages but the fact of the matter is that the Contempt Court has recapitulated the earlier orders passed in contempt

jurisdiction from time to time which has culminated in the order dated 31.07.2025. The Contempt Court while referring to the earlier orders passed in contempt jurisdiction found that the interim order passed in the writ petition has not been complied with and further noticing that time was granted to the appellants yet the order of the writ court was not complied, hence it framed the charge against the appellants who was required to respond to it by filing his reply to the charge framed.

20. Learned counsel for the appellants has urged that the Contempt Court in paras 10 and 11 has entered into the controversy before the writ court which is beyond the jurisdiction of the Contempt Court, hence on this ground the appeal would be maintainable. Noticing paras 10 and 11 of the order impugned, it clearly indicates that the Contempt Court has merely recorded the submissions made on behalf of the appellant. There is no iota of any finding given by the Contempt Judge either on the merits of the dispute pending before the writ court nor it has passed any direction which may impact the rights of the parties on merit, before the writ court.

21. It will also be relevant to notice that on 10.07.2025 in Contempt Application Nos.355 and 356 of 2025, the Contempt Court had rejected the application seeking deferment of the proceedings on the ground that the stay vacation application was pending before the writ court and against the order dated 10.07.2025, the appellant had assailed the order before the Apex Court and by means of order dated 28.07.2025, the Apex Court declined to interfere with the following observations which have been reproduced hereinafter for ready reference:

"The petitioner is the Director General of the Uttar Pradesh Council of Agricultural Research, who has not complied with the order dated 09.07.2024 passed by the High Court by which the termination orders of an employee(s) was stayed. Consequently, a contempt petition has been filed by the respondent(s) for noncompliance of the aforesaid order and against this order an application for vacation of interim order dated 09.07.2024 along with counter affidavit have been filed

by the petitioner.

Meanwhile, the petitioner moved an application to defer the contempt petition, till its decision in the stay vacation application. The High Court has on that application passed an order that an affidavit of compliance should be filed by the next date of hearing, failing which the petitioner shall appear before the Court for the purpose of framing of charges, thereby rejecting the application to defer the case.

Considering the fact that the High Court has seized with the matter, we do not think it is appropriate for us to interfere in this matter at this stage.

All the same, in case the High Court proceeds with the framing of charges, the petitioner would be at liberty to raise all the points which the petitioner has raised before this Court (in its reply, for deferment of the case itself), including the fact that they had already filed an application for vacation of interim order dated 09.07.2024 along with counter affidavit which were still under consideration.

We see no reason why that would not be considered.

The present petitions are disposed of in the above terms. Pending application(s), if any, shall also stand disposed of."

22. This order of the Apex Court dated 28.07.2025 was verbally informed to the Contempt Court but since the order was not available, hence the Contempt Court fixed the matter for 31.07.2025. It is on 31.07.2025 that the Contempt Court taking note of the earlier orders including order passed by the Apex Court did not find any cogent ground to defer the matter, hence it again rejected the request of the appellants for deferment of the proceedings.

23. Needless to say that the Apex Court while passing the order dated 28.07.2025 had permitted the appellants to raise all grounds including the ground relating to the pendency of the application for stay vacation before the writ court and the Contempt Court took note of the order passed earlier dated 10.07.2025 and also the order passed by the Apex Court and observed that since this ground of pendency of the application for stay vacation was considered and rejected and it did not find any good reason to entertain the said request for

deferment again on the ground of pendency of the stay vacation application. While rejecting the said application, the Contempt Court framed the charge and fixed the next date on 18.08.2025, on which date, the appellants had appeared and gave a statement to the Contempt Court that the order of the writ court would be complied within ten days.

24. Considering the sequence of events and the order passed, it cannot be said that the contempt court has exceeded its jurisdiction or has exercised jurisdiction not vested in it in law. An order passed by the Contempt Court on the merits may or may not be right. However, this is not for this Court to consider as an order passed by the Court in exercise of its contempt power can be assailed in a Special Leave Petition before the Apex Court in certain circumstances but it cannot be said that against an order by which only a charge has been framed it become appealable in an intra-court appeal.

25. In Subhash Chandra (supra), this Court had considered the scope of an intra-court appeal vis-a-vis orders passed in contempt jurisdiction and as already reproduced hereinabove and considering the impugned order passed by the Contempt Court does not fall within the parameters as noticed by this Court in Subhash Chandra (supra), hence to that extent, it cannot be urged that the Contempt Court has exceeded the jurisdiction by passing the order dated 31.07.2025.

26. There is another way to look at the issue and that is once the Contempt Court found that the order of the writ court is not complied with and further noticed that ample time was granted for the appellant to comply with the order and failing which the charge was framed, this exercise is nothing but in aid of the proceedings under the contempt jurisdiction and cannot be said to be beyond jurisdiction of the Contempt Court.

27. The reliance placed by the learned counsel for the appellants on

the decision of the Apex Court in Vinay Kumar Pandey (supra), would reveal that the Apex Court has observed that where the stay vacation application is pending consideration of the writ court, in such circumstances, the Contempt Court should wait for the outcome of the stay vacation application. However, while making the aforesaid observations the Apex Court did not lay down any binding principle which is to be followed unquestioningly that is in all cases if against an order, a stay vacation is pending, then the contempt proceedings cannot proceed rather the observations are to be followed with judicial prudence and not as a mathematical theorem.

28. The record indicates that the Contempt Court in the impugned order dated 31.07.2025 has clearly noticed that no material was brought on record to substantiate the fact that the appellants seriously pressed their application for stay vacation with promptitude before the writ court. In light of the said finding which could not be demonstrated to be incorrect, this Court does not find the order of the Contempt Court to be without jurisdiction.

29. For the aforesaid reasons and noticing the dictum of the this Court in Subhash Chandra (supra), this Court is not inclined to entertain the appeals and they are accordingly **dismissed**. However, it will be open for the appellants to move an application before the writ court with a request to consider the given situation and get the stay vacation application decided expeditiously, and needless to say the said application can be considered by the writ court appropriately.

Order Date :- 19.08. 2025

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(Jaspreet Singh, J) (Arun Bhansali, CJ.)