



2024:DHC:8729-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1777/2024, CM APPL. 65833/2024**
MANISH GUPTAPetitioner

Through: Petitioner in person.

versus

JAI PRAKASH CHAHALRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% **ORDER (ORAL)**
11.11.2024

C.HARI SHANKAR, J.

CM APPL. 65833/2024 (for exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This is a civil contempt petition, seeking initiation of contempt proceedings against the respondent. As a civil contempt petition would lie only for contumacious and wilful failure to comply with the directions issued by a Court, the Court queried of the petitioner, who appears, in person as to the order which, according to him, has been breached.



4. He refers to an order dated 1 May 2024 passed by the predecessor Bench in this petition which reads thus:

“1. The present appeals under Clause X of the Letters Patent Act seek to assail the common order dated 05.09.2022 passed by the learned Single Judge in two writ petitions, one filed by the appellant in LPA 612/2022 and the other filed by the appellant in LPA 613/2022. Vide the impugned order, the learned Single Judge has partly allowed the writ petitions filed by the appellants wherein they had assailed denial of promotion to them to the post of Assistant Vice President and Deputy Vice President respectively.

2. Before we consider the submissions of the appellants who appear in person, we direct the respondents to produce on the next date the list of selected candidates, so that this Court can consider as to whether in the event the APAR of the appellants were to be treated as upgraded and they are granted additional marks in their APARs, they would make it to the cut off list or not.

3. List on 30.07.2024.”

5. It is clear that the only direction in this case is to the respondent is to produce, when the matter is next listed before the Court, the list of selected candidates, so that the Court could examine it and take a decision. The matter has, thereafter, not reached for hearing before the Court. As such, there is no question of the respondent having breached the direction contained in para 2 of the order dated 1 May 2024.

6. Even otherwise, assuming, *arguendo*, that the list were not produced before the Court, the mere failure to do so may not constitute wilful and contumacious disobedience of the Court order, provided the failure could be satisfactorily explained.

7. Mr. Gupta thereupon submits that the respondent had made false statements in the Court and was interfering with administration



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of justice.

8. Interference of administration of justice may, in a given case, if properly established, make out a case for criminal contempt.

9. A petition for civil contempt would lie only in the event of wilful and contumacious disobedience of a Court order.

10. No such case has been made out by the petitioner.

11. Accordingly, this petition is dismissed.

12. This would not, however, preclude the petitioner from taking appropriate action in accordance with law, if he feels that there has been interference by the respondent with the administration of justice.

13. We have not heard the petitioner on this aspect and we express no opinion regarding the correctness or otherwise of the said submission.

C.HARI SHANKAR, J

ANOOP KUMAR MENDIRATTA, J

NOVEMBER 11, 2024/aky

Click here to check corrigendum, if any