



2026:CGHC:17427-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Miscellaneous Appeal No. 145 of 2024

1 - Ashok Juneja S/o Late S.C. Juneja Aged About 62 Years Presently Working As Director General Of Police, Police Headquarter, Atal Nagar, Nawa Raipur, District Raipur, C.G. (Respondent No. 2)

2 - Sundarraaj P. S/o Shri S. N. Pattilingam Aged About 44 Years Presently Working As Inspector General Of Police, Bastar Range, District Bastar, C.G. (Respondent No. 3)

... Appellants

versus

1 - Goverdhan Korram S/o Sukhram Korram Aged About 41 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)

2 - Gireshwar Kuldeep S/o Shri Shyamlal Kuldeep Aged About 39 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)

3 - Arju Markam S/o Late Shri Pran Singh Markam Aged About 39 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)

- 4** - Jitendra Dahre S/o Late Ramchandra Dahre Aged About 36 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 5** - Narendra Dev Manjhi S/o Shri Harishchandra Manjhi Aged About 36 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 6** - Hiteshwari Chelak W/o Shri Arjun Singh Aged About 37 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 7** - Lakhmu Ram Vatti S/o Late Shri Mangalram Vatti Aged About 40 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 8** - Dinesh Kuldeep S/o Shri Sangram Kuldeep Aged About 38 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 9** - Balaram Netam S/o Late Shri Mohan Ram Netam Aged About 48 Years Posted As Head Constable At Kanker, District North Bastar Kanker, C.G. (Petitioner)
- 10** - Umesh Kumar Chandel S/o Shri Nathuram Aged About 38 Years Posted As Head Constable At Jagdalpur, District Bastar Jagdalpur, C.G. (Petitioner)
- 11** - Malik Ram Lahre S/o Shri Hiccharam Lahre Aged About 41 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)
- 12** - Madkam Kala S/o Madkam Bhima Aged About 34 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)
- 13** - Gwal Singh Usendi S/o Late Shri Dashrath Usendi Aged About 52 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)

14 - Rameshwar Salam S/o Late Shri Munshiram Salam Aged About 47 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)

15 - Manglu Ram Dugga S/o Shri Chamra Ram Dugga Aged About 48 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)

16 - Nakul Say Paikra S/o Late Shri Jageshwar Say Paikra Aged About 48 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)

17 - Jitendra Yadav S/o Shriram Yadav Aged About 36 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

18 - Kirtan Singh Mandavi S/o Late Shri Labharam Mandavi Aged About 38 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

19 - Mandhar Netam S/o Late Shri Chetman Netam Aged About 56 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

20 - Sanjay Bisen S/o Shri Raghunandan Bisen Aged About 38 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

21 - Siyaram Marapi S/o Shri Mangal Singh Marapi Aged About 38 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

22 - Singluram Korram S/o Late Shri Sukalu Ram Korram Aged About 52 Years Posted As Head Constable At Kondagaon, District Kondagaon, C.G. (Petitioner)

23 - Rajiv Kumar Nishad S/o Shri Dukhesingh Nishad Aged About 37 Years Posted As Head Constable At Bijapur, District Bijapur, C.G. (Petitioner)

24 - Pradeep Kumar Kartami S/o Sonsay Katami Aged About 37 Years Posted As Head Constable At Bijapur, District Bijapur, C.G. (Petitioner)

25 - Arjun Manjhi S/o Shri Jaysingh Manjhi Aged About 38 Years Posted As Head Constable At Bijapur, District Bijapur, C.G. (Petitioner)

26 - Arun Dev Gautam Through - The Secretary, Department Of Home Affairs (Police) New Raipur Mantralaya, New Raipur, Civil And Revenue District Raipur, C.G.

27 - Thansingh Deshmukh S/o Shri Lakhanlal Deshmukh Aged About 39 Years Posted As Head Constable At Dantewada, District Dantewada, C.G. (Petitioner)

28 - Ashish Kumar Nag S/o Vikram Singh Nag Aged About 41 Years Posted As Head Constable At Dantewada, District Dantewada, C.G. (Petitioner)

29 - Sujit Devnath S/o Late Shri Harkant Devath Aged About 43 Years Posted As Head Constable At Narayanpur, District Narayanpur, C.G. (Petitioner)

30 - Gulab Ram S/o Somaru Ram Mandavi Aged About 54 Years Posted As Head Constable At Sukma, District Sukma, C.G. (Petitioner)

31 - Gilgiccha Kishore S/o Shri Say Anna Aged About 42 Years Posted As Head Constable At Bijapur, District Bijapur, C.G. (Petitioner)

... Respondent(s)

For Appellants : Mr. Jitendra Pali, Advocate

For Respondents : Mr. Kalpesh Ruparel, Advocate

DB- Hon'ble Shri Justice Sanjay K. Agrawal

Hon'ble Shri Justice Sachin Singh Rajput

Judgment On Board

16.04.2026

Sanjay K. Agrawal, J.

1. The appellants herein are facing contempt proceedings before this Court, being Contempt Case No. 159/2024 (*Goverdhan Korram & Ors. v. Mr. Arun Dev Gautam & Ors.*), for non-compliance of order dated 06/10/2023 (Annexure R1/1) passed by learned Single Judge of this Court in WPS No. 4243/2022 (*Goverdhan Korram & Ors. v. State of Chhattisgarh & Ors.*). During the course of hearing, the Contempt Court, by its impugned order dated 17/09/2024 (Annexure A/1), directed the appellants herein to include the 19 applicants as well in the fit list declared on 01/08/2024 and thereafter, revise the fit list and as the applicants are senior to the new incumbents, therefore, they be placed accordingly in the fit list. The said direction issued by the Contempt Court vide order dated 17/09/2024 (Annexure A/1) has been made the subject matter of this appeal preferred by the appellants under Section 19 of the Contempt of Court Act, 1971 (hereinafter, "the Act of 1971").
2. Mr. Jitendra Pali, learned counsel for the appellants, would submit that the Contempt Court has acted in excess of its jurisdiction while passing the order dated 17/09/2024 (Annexure A/1) as the Contempt Court could not have gone beyond seeing whether the order dated 06/10/2023 (Annexure R1/1) passed by the Writ Court

has been complied with or not, therefore, the impugned order is liable to be set aside.

3. Mr. Kalpesh Ruparel, learned counsel for the respondents, would submit that this appeal is not maintainable under Section 19(1) of the Act of 1971 in view of the Full Bench decision rendered by this Court in the matter of Anil Kumar Dubey v. Pradeep Kumar Shukla¹ wherein it has been held that an appeal shall lie under Section 19 of the Act of 1971 against an order framing charge in contempt proceedings, as such, the instant appeal is liable to be dismissed.
4. We have heard learned counsel for the parties, considered their rival contentions made herein-above and perused the record with utmost circumspection.
5. At this stage, it would be appropriate to notice the provision contained under Section 19(1)(a) of the Act of 1971, which states as under :-

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

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

6. It is evident from the aforesaid provision contained under Section 19(1)(a) of the Act of 1971 that an appeal is maintainable only

¹ MA No. 45/2016 dated 25/01/2017

against an order of decision of High Court passed in exercise of its jurisdiction to punish for contempt. In other words, the necessary requirement for maintainability of an appeal under Section 19 of the Act of 1971 is that the order impugned must be one whereby the Court has exercised its jurisdiction to punish the alleged contemnor.

7. Apart from that, in the matter of **Anil Kumar Dubey** (supra), the Full Bench of this Court has held as under :-

ORDER OF THE COURT

In view of the majority judgment rendered, the question referred to the Full Bench is answered in the following terms:

“In view of the above discussion, we answer the question referred to this Court by holding that an appeal shall lie under Section 19 of the Contempt of Courts Act, 1971 against an order framing charge in contempt proceedings.”

8. As such, in view of the aforesaid decision rendered by the Full Bench of this Court, an appeal under Section 19 of the Act of 1971 shall lie against an order framing charge in contempt proceedings. Meaning thereby, that an appeal under Section 19 of the Act of 1971 shall lie in exercise of jurisdiction for punishing the contemnor in a contempt proceeding for non-compliance of the order of the Court as well as an order framing charge in light of the

principle of law laid down by the Full Bench of this Court in **Anil Kumar Dubey** (supra).

9. In the instant case, vide impugned order dated 17/09/2024 (Annexure A/1), the Contempt Court has neither punished the appellants herein/contemnors for non-compliance of order dated 06/10/2023 (Annexure R1/1) nor framed charges against them for ultimately punishing them. The impugned order (Annexure A/1) passed by the Contempt Court merely issues additional direction to include the applicants in the fit list and to revise the fit list accordingly. Thus, the order impugned is in the nature of a direction issued during the pendency of contempt proceedings and not an order imposing punishment and against that order, certainly appeal under Section 19 of the Act of 1971 would not be maintainable in light of the mandate contained under Section 19(1) (a) of the Act of 1971 read with the decision rendered by the Full Bench of this Court in **Anil Kumar Dubey** (supra).

10. In light of the aforesaid legal position, this Court is of the considered opinion that the impugned order dated 17/09/2024 (Annexure A/1) does not fall within the ambit of Section 19(1) of the Act of 1971, as the same is not an order passed in exercise of jurisdiction to punish for contempt.

11. Accordingly, the instant appeal, as framed and filed, against the order dated 17/09/2024 (Annexure A/1) passed by the Contempt Court, is hereby dismissed as not maintainable. Appellants are at liberty to challenge the order dated 17/09/2024 (Annexure A/1) in accordance with law. Needless to say, the interim order passed earlier shall stand vacated.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Sachin Singh Rajput)
Judge

Harneet