

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 8th OF AUGUST, 2025

WRIT APPEAL No. 2254 of 2025

SHRI GYANENDRA PANDEY

Versus

TULSIDAS PANDEY

.....
Appearance:

Shri Rajneesh Gupta - Advocate for petitioner.

Shri S.D. Mishra - Advocate for respondent.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Appellant impugns order dated 21.07.2025 passed by the learned Single Judge in Contempt Petition (Civil) No.935 of 2022, whereby the learned Court while entertaining the contempt petition filed by the respondent has directed the appellant to comply with order dated 27.09.2021 and pay the amount as directed by the said order, failing which, the Appellant i.e. the Chief Executive Officer, District Co-operative Central Bank, Rewa shall be personally present.

2. An objection has been raised by the Registry with regard to the maintainability of the subject appeal. It is stated that no final order has been passed by the Contempt Court and as such intra-court appeal would not be maintainable. We are unable to accept the objection raised by the Registry in

view of the judgment of the Supreme Court in Midnapore Peoples' Co-Op. Bank Ltd. & Others Vs. Chunilal Nanda an Ors reported in 2006 (5) SCC 399, wherein the Hon'ble Supreme Court has held that in case a final decision is passed on the merits of the contempt, an intra-court appeal would lie.

3. We note that the learned Single Judge has directed compliance of an order dated 27.09.2021, failing which, the appellant has been directed to be personally present. Said direction tantamounts to final opinion on the merits of the case and is also beyond the relief sought in the contempt petition filed by the respondent and as such an intra-court appeal would lie. The objection raised by the Registry accordingly disposed of in favour of the appellant.

4. Respondent had filed the subject contempt petition seeking direction to the appellant to comply with the order dated 16.04.2018 passed in Writ Petition No.2000 of 2015. By order dated 16.04.2018, the appellant was directed to decide the representation filed by the respondent. During pendency of the said petition, appellant filed a compliance affidavit dated 10.03.2024 stating that representation had been decided and in view of the decision of the Registrar, Commissioner Co-operative Society the gratuity amount could not be paid to the respondent and further stated that the sixth pay-commission recommendations could not be applied to the respondent.

5. This is disputed by learned counsel for the respondent who submits that there is a finding of the Labour Court dated 27.09.2021 holding that the respondent is entitled to the benefits of Sixth Pay-Commission as well as the gratuity and the appellant has not filed any appeal against the said order and

the said order has become final.

6. Learned counsel for the appellant fairly concedes that no appeal has been filed against the said order and order has not been complied with.

7. Subject contempt petition was filed only on account of non compliance of order dated 16.04.2018 whereby the Appellant was directed to decide the representation. Learned Judge could not have exceeded the relief sought or direct compliance of the order dated 27.09.2021, which was not the order, breach of which was complained.. Insofar as order dated 16.04.2018 is concerned, said order has been complied with and the representation disposed of. In case, respondent is aggrieved by the disposal of the representation, respondent is at liberty to initiate appropriate proceedings in accordance with law. Insofar as, the order passed by the Labour Court dated 27.09.2021 is concerned, it is open to the respondent to seek enforcement of the same in accordance with law.

8. In view of the above, the appeal as well as the contempt petition No.935 of 2022 pending before the learned Single Judge are disposed of.

9. It is clarified that this Court has neither considered nor commented on the merits of the contentions of either parties. All rights and contentions of the parties are reserved.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(DINESH KUMAR PALIWAL)
JUDGE

rk.