

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SLP (C)No.7487/2020

THE STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

MANOJ KUMAR SHARMA

Respondent(s)

O R D E RIA 38178/2021- APPLICATION FOR STAY

Notice.

On 22.02.2021, we had issued notice in the Special Leave Petition and stayed the operation of the impugned order.

The present application has been filed for stay of the contempt proceedings on account of the order passed on 02.03.2021.

To say the least, we are quite shocked at the perusal of the order dated 02.03.2021. Once the operation of the order has been stayed, the natural consequence would be that the contempt proceedings would be kept in abeyance. It is not as if this aspect was not brought to the notice of the learned Judge dealing with the Contempt Petition No.139/2020 as an application had been filed for exemption from personal appearance. However, the exemption from personal appearance was granted only for the date of 02.03.2021 and the matter was listed on 08.04.2021 once again directing both the officers to remain present in Court in pursuance to an earlier order dated 05.02.2021.

Once the order of which contempt was alleged was stayed, there would be no cause for calling the officers as there was no question of any non-compliance of the order which had been stayed. This Court has even on various occasions through judicial pronouncements deprecated the practice of unnecessarily calling officers to Court. In that context, it has been observed that the trust, faith and confidence of the common man in the judiciary cannot be frittered away by unnecessary and unwarranted show or exercise of power. Greater the power, greater should be the responsibility in exercising such power¹. The frequent, causal and lackadaisical summoning of high officials by the Court cannot be appreciated. We may add that this does not mean that in compelling situations the same cannot be done but the object cannot be to humiliate senior officials.² In the present case, we are concerned with contempt proceedings. No doubt if the order is not complied with, presence can be directed unless exempted. However, if the operation of the order is stayed, we fail to understand what purpose was being served by calling the officers for the next date as no specific date had been fixed by the Court post the stay having been granted. We do believe that this is unnecessary harassment of the officers and there was no occasion to pass the order on 02.03.2021. It has resulted in the petitioners being compelled to move the present application.

¹ *State of U.P. & Ors. v. Jasvir Singh & Ors.* - 2011 (4) SCC 288

² *R.S. Singh v. U.P. Malaria Nirikshank Sangh & Ors.* - 2011 (4) SCC 281

We stay the contempt proceedings in Contempt Petition No.139/2020 pending before the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow and further make it clear the no presence of any officer concerned is required. We also make it clear that as and when, if the occasion so arises, for restarting the contempt proceedings, the matter will be placed before a Bench of another Judge.

A copy of this order be placed before the learned Judge who passed this order as well as the Chief Justice.

The IA stands disposed of.

SLP (C) No.7487/2020

Learned counsel for the respondent has entered appearance and prays for and is granted three weeks to file counter affidavit.

Rejoinder if any, be filed within two weeks thereafter.

List after summer recess.

Interim order to continue.

..... J.
[SANJAY KISHAN KAUL]

..... J.
[HEMANT GUPTA]

NEW DELHI;
APRIL 06, 2021.

ITEM NO.1 Court 9 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7487/2020

(Arising out of impugned final judgment and order dated 05-03-2020 in SAD No. 127/2020 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

THE STATE OF UTTAR PRADESH & ORS. Petitioner(s)

VERSUS

MANOJ KUMAR SHARMA Respondent(s)
(ONLY I.A. NO. 38178/2021 TO BE LISTED ON 6.4.21
IA No. 38178/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 06-04-2021 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Vishnu Shankar Jain, AOR

For Respondent(s) Mr. Shailendra Bhardwaj, AOR
 Ms. Aroma S. Bhardwaj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA 38178/2021- APPLICATION FOR STAY

The IA stands disposed of in terms of the signed order.

SLP (C) No.7487/2020

Learned counsel for the respondent has entered appearance and prays for and is granted three weeks to file counter affidavit.

Rejoinder if any, be filed within two weeks thereafter.

List after summer recess.

Interim order to continue.

(ASHA SUNDRIYAL) (POONAM VAID)
ASTT. REGISTRAR-cum-PS COURT MASTER (NSH)
[Signed order is placed on the file]