

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.669 of 2025
In
Miscellaneous Jurisdiction Case No.3555 of 2024

- =====
1. Amrit Mohan Prasad, Director General Force Headquarter, Sashastra Seema Bal, East Block-V, R.K. Puram, New Delhi-110066.
 2. Pramod Devrani, Commandant (Pers-1), Government of India, Ministry of Home Affairs, Director General, Sahastra Seema Bal, East Block V, R.K. Puram, New Delhi.

... .. Appellant/s

Versus

1. Kumar Chandra Vikram S/o Late Kumar Kamlesh Maldahiya, Resident of Flat No.-401, Block- B, Shanti Enclave, Sharma Path, Rukanpura, P.S.- Rukanpura, District- Patna.
2. The Union of India, The Secretary, Ministry of Home Affairs, New Delhi.

... .. Respondent/s

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Appearance :

For the Union of India : Dr. K.N. Singh, ASG
For the Appellant : Mr. Rakesh Kumar No.1, Advocate
For the Respondent/s : Mr. Rupak Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 02-07-2025

We have heard Dr. K.N. Singh, learned ASG for the appellant/Union of India and Mr. Rupak Kumar, learned Advocate for the respondent.

2. This appeal is directed against the order dated 20.06.2025, whereby the Director General, Sashastra Seema Bal, New Delhi has been directed to be personally present in Court.

3. The initial objection of Mr. Rupak Kumar, learned Advocate for the respondent is that this appeal is not maintainable.

4. The objection has been noted only to be rejected.

5. In *Midnapore Peoples' Coop. Bank Ltd. and others v. Chunilal Nanda and others; (2006) 5 SCC 399*, the issue has been decided conclusively holding that Interim orders/interlocutory orders passed during the pendency of a



case falling in special categories viz. (i) orders which finally decide a question or issue in controversy in main case; (ii) orders which finally decide an issue which materially and directly affects the final decision in the main case; (iii) orders which finally decide a collateral issue or question which is not the subject matter of the main case; (iv) routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment; and (v) orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties, are appealable. [emphasis provided]

6. The logic behind this proposition is that the term 'judgment' occurring in Clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2 (9) CPC and orders enumerated in Order 43 Rule 1 of the CPC, but also other orders which, though may not finally and conclusively determine the rights of the parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties.



7. In *Midnapore Peoples' Coop. Bank Ltd.* (supra), it has categorically been held that order falling under the category of such order which may cause some inconvenience or some prejudice to a party is appealable under the Letters Patent. [Also refer to *Shah Babulal Khimji vs. Jayaben D. Kania and Anr.*; (1981) 4 SCC 8 and *Mithailal Dalsangar Singh and Ors. vs. Annabai Devram Kini and Ors.*; (2003) 10 SCC 691]

8. That apart, the order impugned in the present appeal being beyond interlocutory order, it would be more apposite to refer to the order of summoning as an intermediate order, which decided the matter of moment. Therefore, it is appealable.

9. A brief detour in the facts of the case would also be important.

10. The respondent/Kumar Chandra Vikram, an officer of the SSB, after a departmental proceeding, was put to censure. This punishment did not find favour with the learned Single Judge, who for good reasons set it aside and directed for grant of all consequential benefits to the officer concerned.



11. The judgment passed by the learned Single Judge, setting aside the order of punishment of censure and granting consequential benefits to the concerned officer was fully complied with. The concerned officer was promoted to the post of DIG after following the procedure and was placed above his juniors who were earlier given promotion.

12. Thereafter, a DPC was convened for recommending the name of officers including the respondent for promotion to the post of IG. After all the clearances, the matter was pending consideration before the ACC, the highest administrative body under the PMO.

13. These facts have been noted by the learned Single Judge in his order dated 26.03.2025 passed in MJC No. 3555 of 2024, wherein he records as follows:-

“2. A supplementary show cause has been filed on behalf of the Union of India stating therein that the S.S.B. has complied the order of this Court. As follow up after the Review DPC for vacancy year 2024 and regular DPC for vacancy year 2025 requisite proposal for obtaining approval of ACC in respect of DIG’s recommendation for empanelment for promotion to rank of IG



was sent for respective years which included the name of the petitioner on 31.12.2024 and after recommending the name of the petitioner, now the matter is pending for approval of the Appointment Cabinet Committee under the PMO. It also appears from the Annexure-F of the supplementary show cause that the S.S.B. has already considered the promotion of the petitioner on 31.12.2024 itself and the same is sent for the approval and after the approval from the Appointment Cabinet Committee, the notification will be issued by the opposite party.”

14. However, on the next date i.e. 20.06.2025, on being told that the judgment of the High Court has not been fully complied with, the Court directed for the appearance of the Director General, SSB with a caveat that such summon would be effective only if the order has not been complied with.

15. A true interpretation of the order would be that there would be no requirement of the Director General, SSB to appear, as the judgment in question has already been



complied at the level of the Director General. A restrictive view would be that unless the respondent gets promoted to the post of IG, the part of the judgment which granted consequential benefits to the officer, would not be deemed to have been complied with.

16. Taking this restrictive view into account, the learned ASG has chosen to file this appeal, challenging the correctness of the order of summoning of the Director General of SSB.

17. In the aforementioned background facts, we also deem it necessary to refer to the Standard Operating Procedure (SOP) on Personal Appearance of Government Officials in Court Proceeding.

18. This SOP was formulated pursuant to a judgment of the Supreme Court dated 03.01.2024 in the *State of Uttar Pradesh & Ors. v. Association of Retired Supreme Court and High Court Judges at Allahabad & Ors.; 2024 (2) BLJ 106-SC*.

19. In Clause 5 of the said SOP, the procedure for personal presence for enforcement/contempt of court proceedings has been elaborately dealt with.



20. It would only be apposite to extract the entire clause 5 for the sake of completeness as also for ready reference:-

“5. Personal presence for enforcement/contempt of court proceedings.-

5.1. The court should exercise caution and restraint when initiating contempt proceedings, ensuring a judicious and fair process.

5.2. Preliminary Determination of Contempt: In a proceeding instituted for contempt by wilful disobedience of its order, the court should ordinarily issue a notice to the alleged contemnor, seeking an explanation for their actions, instead of immediately directing personal presence.

5.3. Notice and Subsequent Actions: Following the issuance of the notice, the court should carefully consider the response from the alleged contemnor. Based on their response or absence thereof, it should decide on the appropriate course of action. Depending on the severity of the allegation, the court may direct the personal presence of the contemnor.

5.4. Procedure when personal presence is directed: In cases requiring the



physical presence of a government official, it should provide advance notice for an in-person appearance, allowing ample time for preparation. However, the court should allow the officer as a first option, to appear before it through video conferencing.

5.5. Addressing Non-Compliance:

The court should evaluate instances of non-compliance, taking into account procedural delays or technical reasons. If the original order lacs a specified compliance timeframe, it should consider granting an appropriate extension to facilitate compliance.

5.6. When the order specifies a compliance deadline and difficulties arise, the court should permit the contemnor to submit an application for an extension or stay before the issuing court or the relevant appellate/higher court.”

21. On a perusal of Clause 5 of the SOP in its entirety, it would appear to be very clear in the present circumstance that the order of summoning the Director General, SSB is farcical and would serve no purpose.

22. It is reiterated by the parties (meaning thereby that there is no objection on behalf of the officer concerned



as well) that the final promotion of the officer to the post of IG is pending consideration before the ACC, over which the Directorate of SSB has no control. All that had to be done prior to the matter being placed before the ACC had already been complied with without any delay.

23. Under such circumstances, the learned ASG questions the correctness of the decision to direct for the personal presence of the officer.

24. We clearly respond to it by holding such an order to be bad and not warranted in the facts of the case. We do not wish to interfere with the contempt jurisdiction of the learned Single Judge, except to the extent that we do not approve of the order of summoning the senior most officer in the Directorate in such circumstances when the total compliance of the judgment of the High Court is pending consideration before the ACC, falling under the PMO.

25. To that extent, we set aside the order dated 20.06.2025 passed in MJC No. 3555 of 2024 with a request to the learned Single Judge not to insist for the personal appearance of the Director General, SSB. There shall be no



necessity for the Director General, SSB to appear before the Court on 04.07.2025.

26. This appeal stands disposed off with the aforenoted directions and observations.

27. The MJC No. 3555 of 2024 shall be pursued by the parties.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./Manoj

AFR/NAFR	
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