



2026:AHC-LKO:1689-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 4 of 2026

Santosh Kumar Shukla

.....Appellant(s)

Versus

Shri. D. Satyendra, Chief General Manager
Bangalore And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Mahendra Pratap Singh
Counsel for Respondent(s)	:	Gopal Kumar Srivastava

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Sri Mahendra Pratap Singh, learned counsel for the appellant and Sri Gopal Kumar Srivastava, learned counsel for the opposite parties.

2. This is a special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order dated 11.12.2025 passed by learned Single Judge in Contempt Application (Civil) No.2015 of 2023 [Santosh Kumar Shukla vs. Shri D. Satyendra, Chief General Manager, Canara Bank & Anr.].

3. After hearing the parties and perusing the appeal what we find is that after dismissal of the appellant's Writ Petition bearing No.3531 (S/S) of 2000 [Santosh Kumar Shukla vs. Syndicate Bank & Ors.] challenging his dismissal from service by the respondent-Bank, a Special Appeal was filed bearing No.328 of 2014 which was allowed vide judgment and order dated 07.02.2023. The operative portion of the said judgment is quoted hereinbelow:-

"(26) In view of the aforesaid discussions the instant Special Appeal is allowed. The judgment and order dated 04.06.2014 is hereby set aside and the Writ Petition No.3531 of 2000 is allowed. The dismissal order dated 30.09.1999 and the Appellate order dated 20.03.2000 is hereby quashed.

(27) All the necessary consequences shall follow. However, there will be no order as to costs."

4. As the said judgment was not complied, therefore, the contempt proceedings bearing Contempt Application (Civil) No.2015 of 2023 were initiated. In the interregnum, the Bank filed a Special Leave Petition bearing S.L.P.(Civil) No.12286 of 2023 before Hon'ble the Supreme Court challenging the judgment of the Division Bench dated 07.02.2023 wherein an interim order was passed on 04.07.2023 staying the Division Bench judgment. On this fact being brought to the knowledge of the contempt judge, contempt proceedings were disposed of on 21.03.2024, however, with liberty to the applicant to file review application after final outcome of the SLP pending before the Apex Court. Though the term 'review application' is mentioned, we are of the opinion that an application for recall would also be maintainable if ultimately the S.L.P. of the Bank was dismissed as the scope of review is very different. The recall of the order would have to be considered and thereafter, that is, after recall of the order, the contempt judge would have to consider as to whether the contempt is made out or not unless it was a case where undisputedly the order of the writ court had been complied. Be that as it may, ultimately, the Special Leave Petition bearing No.12286 of 2023 was dismissed on 29.05.2025, albiet, with the observation that question of law is left open and order passed by the Division Bench shall not be treated as precedent. The consequence so far as the parties to the proceedings out of which the S.L.P. arose are concerned, was that the operative part of the decision dated 07.02.2023 rendered therein was binding between them and for its non-compliance, if any, contempt proceedings would lie. In these circumstances, the appellant herein filed an application for recall of the order dated 21.03.2024 as according to him order of the writ / appellant court had not been complied. The same has been rejected by the Hon'ble Judge who had disposed of the contempt application on 21.03.2024 on the ground that by order dated 09.10.2025 compliance had already been made. In fact, the application for recall was placed before him only for consideration of the said recall and not for any other purpose.

5. The contention of Sri Mahendra Pratap Singh, learned counsel for the appellant is that the order dated 09.10.2025 is itself in contempt of the judgment dated 07.02.2023 as it adjusts certain loan amounts against the

dues payable to the appellant though the said issue had already been decided vide judgment dated 07.02.2023 an aspect which the learned Single Judge failed to appreciate. Secondly, the learned Single Judge who has dismissed the recall application was only required to consider the recall of order dated 21.03.2024 but he has proceeded beyond the scope of recall application to consider as to whether the judgment of the Division Bench dated 07.02.2023 has been complied or not as this was an aspect to be considered by the regular contempt judge who had jurisdiction to do so under the roster assigned by Hon'ble the Chief Justice especially as compliance was disputed. In this regard, he relies upon decisions reported in 2011 (1) ALJ 127 '**Maya Dixit & Ors. vs. State of Uttar Pradesh & Ors.**' and 2017 (2) ALJ 409 '**Dinesh Kumar Singh alias Sonu vs. State of U.P.**' to contend that the order passed by learned Single Judge is without jurisdiction and special appeal is maintainable.

6. On a perusal of the impugned order, in fact, we do find that learned Single Judge who had initially disposed of the contempt proceedings on 21.03.2024 after giving liberty to file an application for review was required to consider as to whether consequent to decision of Hon'ble the Supreme Court the said order was required to be recalled or not and if the order was recalled then other issues as to whether contempt was made out or not would have to be considered by the Judge who had been assigned contempt jurisdiction by Hon'ble the Chief Justice as per roster determined by him, as, learned Single Judge who has passed the impugned order was not otherwise having jurisdiction to consider contempt matters. In this case while appellant was alleging non-compliance the Bank was asserting compliance. This issue would have been seen by the Regular Contempt Judge as it was disputed. In the circumstances, when the S.L.P. was dismissed, the order dated 21.03.2024 was liable to be recalled as the said order was passed only on account of a stay order having been passed in the S.L.P. In fact, we are of the opinion that during operation of the stay order, the contempt proceedings should have been deferred rather than being disposed of. Therefore, in the circumstances aforesaid, the impugned order is set aside. The order dated 21.03.2024 passed in Contempt Application (Civil) No.2015 of 2023 stands recalled. Consequently, the Contempt Application (Civil) No.2015

of 2023 stands restored, however, without prejudice to the rights of the respondent-Bank to take a plea before the contempt judge that the order of the Division Bench has already been complied and therefore, no contempt is made out and this plea would be considered by the regular bench which has been assigned contempt matter. It is open for the Bank to rely upon the decision reported in AIR (200) Supreme Court 2190 '**Midnapore Peoples' Co-Op. Bank Ltd. & Ors. vs. Chunilal Nanda & Ors.**' and judgment & order passed in Special Appeal No.38 of 2022 '**Shivam Das Chandani & Ors. vs. Prabhu N Singh Posted as Vice Chairman, L.D.A., Lucknow & Ors**' on 14.02.2022 and Special Appeal Defective No.467 of 2021 '**Ganga Ram vs. Hardwari Lal**' passed on 23.11.2021 before the regular contempt judge. The contention of the appellant the adjustment of certain outstanding dues pertaining to a loan amount had already been considered by the Division Bench in the judgment dated 07.02.2023 with a finding that it had been repaid and the plea challenging the same did not find favour with Hon'ble the Supreme Court while dismissing the special leave petition, therefore, the order dated 09.10.2025 is itself in contempt of the judgment dated 07.02.2023, is also a plea which can be raised by the appellant before the Contempt Judge who has been assigned contempt matters. We have not at all touched upon the issue as to whether contempt is made out or not and this is an aspect to be considered by the regular contempt judge.

7. Accordingly, the special appeal is **allowed**, in the aforesaid terms.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 9, 2026

Shanu/-