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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010233492020
+ **CONT.CAS(C) 475/2020 & CM APPL. 28595/2020 (U/O 39 Rule 1 & 2)**

DR. KULBHUSHAN SEHGAL Petitioner
Through: **Mr. Pardeep Gupta, Mr. Parinav Gupta and Ms. Ritika Jain, Advocates.**

versus

PROF. BALRAM BHARGAVA & ORS. Respondents
Through: **Mr. Arun Sanwal, Advocate for Respondent No. 1.**
Mr. Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Mr. Mukesh Kr. Tiwari, Ms. Reba Jena Mishra and Ms. Poonam Shukla, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **ORDER**
24.09.2026

1. The present Petition seeks initiation of contempt proceedings as against the Respondents, alleging non-compliance of the Judgment and Order dated 22.01.2020 passed by this Court in W.P.(C) 1920/2016.
2. Mr. Pardeep Gupta, learned counsel appearing on behalf of the Petitioner, submits that the Respondents are in violation of paras 28 to 31 of the Judgment insofar as the Petitioner has since been appointed to the post of Scientist "B" (Non-Medical) at the Respondents'



organisation. He submits that this appointment is not in consonance with the directions issued by this Court. He submits that the said appointment letter treats him as a fresh appointee and the same is also evident from the fact that the Petitioner has been put on probation for a period of two (02) years from the date of joining.

3. He would submit that the true spirit and purport of the Judgment and Order dated 22.01.2020, when considered holistically, requires the Petitioner to be regularised, and the concept of regularisation would necessarily be antithetical to a fresh appointment order being issued.

4. He would therefore submit that the said directions have not been complied with in letter and spirit and the Respondent organisation is clearly in contempt of the Judgment and Order passed by this Court.

5. *Per Contra*, Mr. Arun Sanwal, learned counsel appearing on behalf of Respondent No. 1, would draw the attention of this Court to paragraph 31 of the Judgment and the Order wherein the direction has been passed to the Respondent organisation-ICMR to issue necessary orders “appointing the Petitioner” in an appropriate post of Scientist and further also that the period of service between 01.06.1998 and 31.12.2013 would be taken into account for the purposes of calculating the pensioning benefits incidental to regular appointment. He would submit that the appointment order is clearly in consonance with the directions set out in para 31 and there is no violation. He would further submit that if at all, the entire issue relates to the interpretation accorded by the Respondents to the directions passed by this Court and in view of various judgments of this Court and the Hon’ble Supreme Court in matters where there is a question of



interpretation of the Judgment and Order that is involved, the same cannot be held to be wilful non-compliance resulting in contempt of the Order. He would therefore submit that the present Contempt Petition is clearly not maintainable.

6. This Court has heard the learned counsel appearing on behalf of the parties.

7. Considering the submissions of the learned Counsel for the Respondents and also guided by the judgment of the Hon'ble Supreme Court in ***C. Elumalai v. A.G.L. Irudayaraj [(2009) 4 SCC 213]*** as also the various precedents discussed in the said judgment, this Court is of the opinion that that the power to punish for contempt is undoubtedly a powerful weapon in the hands of judiciary but that by itself operates as a string of caution and cannot be used unless the Court is satisfied beyond doubt that the person has deliberately and intentionally violated the order of the Court. The power under the Act must be exercised with utmost care and caution and sparingly in the larger interest of the society and for proper administration of justice-delivery system. Mere disobedience of an order is not enough to hold a person guilty of Civil Contempt. The element of willingness is an indispensable requirement to bring home the charge within the meaning of the Act.

8. This Court is of the view that the direction contained in paragraph 31 of the Judgment and Order dated 22.01.2020 specifically contemplates the "appointment of the Petitioner". At the same time, the Judgment and Order, when read as a whole, also contemplated regularisation of the services rendered by the Petitioner. However, since the operative direction expressly requires the Respondents to pass an order appointing the Petitioner, the manner in which the said



direction is to be reconciled with the aspect of regularisation would appropriately require clarification.

9. Furthermore, this Court also notes that the directions with respect to the period of service between 01.06.1998 and 31.12.2013 being taken into account for the purpose of calculation of pension benefits have already been complied with.

10. This Court is also guided by the principles enunciated by the Hon'ble Supreme Court in ***Ram Kishan v. Tarun Bajaj [(2014) 16 SCC 204]***, ***State of Bihar v. Sonabati Kumari [1960 SCC OnLine SC 20]*** and ***Anil Ratan Sarkar v. Hirak Ghosh [(2002) 4 SCC 21]***. It is well settled that proceedings for civil contempt are founded upon the existence of a clear and unequivocal obligation cast upon the alleged contemnor and the deliberate and wilful disobedience thereof. The jurisdiction to punish for contempt cannot, therefore, be invoked merely because the action taken by a party is capable of being viewed as inconsistent with one possible interpretation of the order. The Court must be satisfied that the alleged contemnor has consciously and deliberately acted in breach of a direction which was sufficiently clear and unambiguous.

11. The Hon'ble Supreme Court has, in this regard, recognised that where an order is "ambiguous and equivocal and reasonably capable of two interpretations", a party who has acted upon one of such interpretations cannot, in the absence of an intention to disobey the order, be held guilty of wilful disobedience. The underlying rationale is that the jurisdiction in contempt is concerned with enforcing obedience to a command of the Court and not with adjudicating upon a disputed interpretation of the scope or effect of such command. Where the language employed in the order reasonably admits of more



than one construction, and the alleged contemnor has adopted one such construction and acted upon it, the requisite element of wilfulness would not ordinarily stand established.

12. In view of the above, the learned counsel for the Petitioner seeks and is granted the liberty to move such appropriate Application, if so advised, for clarification of the Judgment and Order dated 22.01.2020.

13. Learned counsel appearing on behalf of the Petitioner would, in view of the above, submit that he may be granted leave to withdraw the present Petition with liberty to file or to prefer such appropriate Application as is permissible in law before the Hon'ble Division Bench for the purpose of clarification of this issue.

14. Leave and liberty, as sought for, are granted.

15. The present Petition, along with pending application(s), if any, stands dismissed as withdrawn in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 24, 2026/nd/va