



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: 31st October, 2023

(47)+ W.P.(C) 14143/2023 & CM APPL. 55950/2023 and
CM APPL. 55951/2023

MUNICIPAL CORPORATION OF DELHI Petitioner
Through: Ms. Sriparna Chatterjee, Adv.

versus

MS SAKSHI SHEDHA Respondent
Through: Ms. Rashmi Chopra, Ms. Fiza Chopra
and Mr. Puneet Rathi, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. The challenge in this petition is to an order dated October 19, 2023 passed by the Central Administrative Tribunal in Contempt Petition No. 383/2023, which reads as under:

“By an interim order dated 04.01.2022, the respondents had been directed to clear the applicant's salary, fixed as per the offer of appointment, within one month. Despite the expiry of one and a half years, the interim order has not been complied with by the respondents; and, therefore, the present C.P.

Learned counsel for the applicant submits that despite the fact that the applicant is regularly working, she is neither getting any salary nor the arrears, as per the interim order mentioned above.



We find that inaction on the part of the respondents is not only serious but also a contemptuous one. Ms. Sriparna Chatterjee, learned counsel for the respondent requests for some time to comply with the interim order dated 04.01.2022.

In the above circumstances, reluctantly and as a last chance, we grant the request of learned counsel for the respondent to implement the interim order.

Stand over to 02.11.2023. In the event the interim order is not complied with, respondent No. 1 - Commissioner, Municipal Corporation of Delhi, shall remain personally present before this Tribunal.”

2. The submission of Ms. Sriparna Chatterjee, learned counsel appearing for the petitioner Corporation is that the contempt petition has been filed by the respondent on the ground that that petitioner is not paying salary to the respondent who is continuing on the strength of the interim order dated January 4, 2022 passed by the Tribunal. According to her, the petitioner Corporation had filed an application seeking vacation of the stay order being MA 371/2022. The said application has not been considered and decided by the Tribunal. Her submission is that till such time the application for vacation of stay is decided, the contempt proceedings could not have been entertained by the Tribunal. She also states, the contempt proceedings be stayed by this Court till the hearing of this petition.
3. On the other hand, Ms. Rashmi Chopra, learned counsel appearing for the respondent on advance notice submits that since the respondent is working on the strength of the interim order and is actually working with the petitioner Corporation, she is entitled to the wages / salary.



4. Having heard the learned counsel for the parties, we deem it appropriate to direct the Tribunal to either decide the MA 371/2022 filed by the petitioner Corporation for vacation of stay or if the pleadings in the OA are complete, hear the OA finally and decide the same. Till such time, MA or the OA is decided, the contempt proceedings shall remain stayed. All the pleas of the parties are left open to be canvassed before the Tribunal.

5. With the above, the petition is disposed of.

CM APPL. 55950/2023 and CM APPL. 55951/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

OCTOBER 31, 2023/jg