



\$~5

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

+ **CONT.CAS(C) 19/2024 & CM APPL. 382/2024**

SMITA ARORA

..... Petitioner

Through: Mr. Sriram P., Ms. Anjali & Ms. Isha,

versus

PROF DR M B GAUR

..... Respondent

Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam & Mr. Mohnish
Sehrawat, Advs.
M: 9313964463

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

25.01.2024

%

CM APPL. 382/2024 (For exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 19/2024

3. The present contempt petition has been filed alleging non-compliance of the order dated 13th October, 2015 passed in *W.P.(C) No. 8000/2014*.
4. It is the case of the petitioner that despite clear directives outlined in the aforesaid order, the respondent has willfully neglected to fulfill their obligations, thereby placing the petitioner in an unjust and precarious position.



5. It is submitted that the order dated 13th October, 2015 explicitly stated that the petitioner would be treated as a permanent employee, with all the associated benefits. Unfortunately, the respondent has failed to honor this commitment, specifically concerning the prescribed increment and paid leave entitlements.

6. Mrs. Avnish Ahlawat, learned Standing Counsel for the respondent, per contra, submits that the petitioner has already filed another writ petition being *W.P. (C) No. 8817/2018* against the show cause notice for termination, which was issued to the petitioner in terms of the order dated 13th October, 2015 passed in *W.P. (C) 8000/2014*. She further submits that no contempt of the order dated 13th October, 2015 has been committed.

7. Having heard learned counsel for the parties and having perused the record, this court is of the considered opinion that there is no willful disobedience or violation of the order dated 13th October, 2015 by the respondent.

8. The order dated 13th October, 2015 in *W.P.(C) No. 8000/2014*, of which compliance is sought, reads as under:

“The present petition has been filed by the petitioner seeking the following relief:-

“issue a writ of mandamus or certiorari or any other writ or direction directing the respondents to treat the petitioner as having been appointed on regular basis to the post to which the petitioner has been selected and appointed”.

Learned counsel for the respondents has placed before me an order dated February 16, 2015 issued by the Service Department of the Government of National Capital Territory of Delhi wherein it has been communicated to all the concerned that in view of the existing policy regarding status of contractual employees engaged in various departments and organizations under the Government, their services



shall not be terminated till further instructions in the matter. He also states, that these shall also be applicable to the organization in question i.e Ch. Brahm Prakash Ayurved Charak Sansthan and the services of the petitioner shall not be terminated till further instructions. The said statement of the learned counsel is taken on record. It is made clear, if a decision is taken by the respondents to terminate the services of the petitioner, they shall give a notice to the petitioner of at least two weeks before effecting termination. It is expected, petitioner shall be granted the same benefits.

The petition is disposed of in terms of the above.

xxx xxx xxx”

9. Perusal of the aforesaid order clearly shows that there are no directions passed by this court with respect to the petitioner being treated as a permanent employee or with respect to payment of any increment or other perks, as sought by the petitioner.

10. This Court in exercise of its contempt jurisdiction will not pass any directions outside the four corners of the judgment, of which compliance is sought in the present proceedings. In the absence of any specific directions in the order of which compliance is sought, no ancillary directions can be issued by the Court in the contempt proceedings.

11. This court also notes that in terms of the liberty granted by this court vide order dated 13th October, 2015 in *W.P.(C) No. 8000/2014*, the respondent has issued a show cause notice to the petitioner for termination of her services. Against the said show cause notice, the petitioner has already filed a substantive writ petition being *W.P.(C) No. 8817/2018*.

12. The said writ petition is stated to be still pending. Therefore, all the rights and contentions as agitated by the petitioner, including her entitlement to various benefits, would be subject matter of the said writ petition. Needless to state, all the disputes, including the issue with respect to the leave vacation and increment, can be raised by the petitioner in the



substantive writ petition filed by the petitioner.

13. In view thereof, there is no merit in the present contempt petition. Accordingly, the same is dismissed.

MINI PUSHKARNA, J

JANUARY 25, 2024/kr