



2024:DHC:8859-DB



\$~83

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

+ **W.P.(C) 201/2024, CM APPLs. 930/2024 & 931/2024**

VIKAS KAUSHIK & ANR.Petitioner
Through: **Ms. Amita Singh Kalkal, Adv.**

versus

**NEW DELHI MUNICIPAL COUNCIL
& ORS.**Respondent
Through: **Ms. Rashmi Chopra and Ms.
Sriparna Chatterjee, Advs.**

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT (ORAL)

% **14.11.2024**

C. HARI SHANKAR, J.

1. OA 1649/2017 was disposed of by the Central Administrative Tribunal¹ *vide* order dated 19 April 2021, which directed thus:

“5. It is evident from the impugned order dated 08.02.2017 that competent authority of the respondents have accorded approval for the Recruitment Rules (RRs) to the post of JE(E) in Electrical Department may providing herein provision for consideration of Electrician in Civil Engineering Department to the post of JE(E) in Electricity Department for promotion. More than four years have lapsed, however, such decision of the Chairman, NDMC has not been given effect to by the respondents till date.

5. In the aforesaid facts and circumstances, we are of the considered view that the present OA is disposed of with direction to the respondents to amend the RR in terms of the aforesaid decision of the Chairperson, NDMC in a time bound manner.

¹ “Tribunal” hereinafter



2024:DHC:8859-DB



6. Accordingly, the OA is disposed of with direction to the respondents to amend the RRs for the post of JE(E) in Electrical Department providing therein provision for consideration of promotion of Electrician in Civil Engineering Department to the post of JE(E) in Electricity Department as expeditiously as possible and in any case within three months from the date of receipt of a copy of this order.”

2. Alleging that the aforesaid directions had not been complied with and that, therefore, the respondent/NDMC had committed wilful and contumacious disobedience of the aforesaid order dated 19 April 2021, the petitioner instituted CP 36/2022 before the Tribunal, for initiation of contempt proceedings against the allegedly delinquent contemnors.

3. In the said contempt petition, the petitioner had filed MA 3905/2023 for impleading the Union Public Service Commission² as a further respondent in the contempt proceedings.

4. The said MA 3905/2023 was dismissed by the Tribunal with costs of ₹ 50,000/- vide order dated 23 November 2023. Aggrieved thereby, the petitioner is before this Court in the present writ petition.

5. Ms. Rashmi Chopra, who appears for the NDMC, submits that, pursuant to the aforesaid order, the USPC has approved the amendment of the RRs and that, on or before 18 November 2024, the NDMC would be forwarding the draft amended RRs to the Ministry of Home Affairs³ for approval so that they could be notified.

² “UPSC” hereinafter

³ “MHA” hereinafter



2024:DHC:8859-DB



6. Ms. Amita Singh, learned Counsel for the petitioner, has also handed over, across the bar, documents indicating the proposed amendments to the RRs, which is taken on record.

7. Though she prays that the respondent/NDMC may be bound to an undertaking that the amendment would be finalized within a specified period of time, Ms. Chopra submits that she cannot give an undertaking as the matter has to be taken up by the MHA.

8. In view of the aforesaid supervening events which have taken place, there can be no justified basis for allowing the contempt proceedings before the tribunal to continue as the matter is now with the MHA.

9. No cause remains, therefore, to allow the pending contempt petition to continue before the Tribunal. Though Ms. Amita Singh prays that the contempt petition may not be disposed of by this Court, as the court is seized only with a challenge to the order passed in MA 3905/2023 in the said Contempt Petition, and that, if the Contempt Petition is disposed of, the respondents may further delay the matter, we are not inclined to agree. Allowing the contempt petition to continue, once the respondents have purged the contempt, if any, would be unfair and unjust. Contempt proceedings, once they do not survive any further, cannot be permitted to continue merely as a proverbial Damoclean sword over the heads of the respondents.

10. Accordingly, while the impugned order is quashed and set aside, CP 36/2022 is also accordingly disposed of by discharging the



2024:DHC:8859-DB



notice of contempt which was issued in the said case.

11. The writ petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

TUSHAR RAO GEDELA, J.

NOVEMBER 14, 2024

m/ar

[Click here to check corrigendum, if any](#)