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

+ **CONT.CAS(C) 133/2024**

ANITA THAPER

..... Petitioner

Through: Mr. Kittu Bajaj, Advocate.
(M): 9891671638

versus

SHRI INDEVAR PANDEY AND ANOTHER

..... Respondents

Through: Ms. Aakanksha Kaul with Mr. Satya
Sabharwal and Mr. Aman, Advocates
for respondent/UOI.
(M): 9999034034

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
02.02.2024

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1. The present contempt petition has been filed alleging disobedience of the order dated 07th December, 2023 passed in *W.P.(C) No. 15771/2023*.
2. By the aforesaid order, the petitioner had been directed to approach the competent authority of respondent no. 1 along with copy of the said petition. After receiving the same, the competent authority of respondent no. 1 had been directed to dispose of the representation of the petitioner after hearing her and passing a detailed and reasoned order in accordance with law.
3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, a representation dated 12th December, 2023 was submitted to the respondents on 13th December, 2023. She submits that on 29th



December, 2023, the Ministry of Women and Child Development, Government of India had issued an office order whereby it had been stated that all concerned employees are hereby struck off from the Rashtriya Mahila Kosh. She further submits that the Office Memorandum dated 29th December, 2023 for granting personal hearing to the petitioner was issued only on 29th December, 2023, only after terminating the services of the petitioner along with other employees. Thus, she submits that no hearing has been granted to the petitioner before terminating her services along with other similarly placed employees.

4. Ms. Aakanksha Kaul, learned counsel appearing for the respondent submits that pursuant to the order dated 07th December, 2023 passed by this Court, representation of the petitioner had been decided by order dated 11th January, 2024. She submits that despite letters to the petitioner for appearance for the personal hearing, the petitioner chose not to appear. She submits that before deciding the said representation, an E-mail dated 02nd January, 2024 was sent to the petitioner for personal hearing. However, the petitioner did not appear. Subsequently, another opportunity was granted to the petitioner for personal hearing, which was scheduled on 08th January, 2024, for which an E-mail dated 04th January, 2024 was sent to the petitioner. However, the petitioner again did not appear. Accordingly, the representation of the petitioner was decided by order dated 11th January, 2024.

5. Per contra, learned counsel for the petitioner submits that the petitioner did not appear for personal hearing, since her service had already been terminated by order dated 29th December, 2023. She further submits that the respondent has pre-judged the entire issue by not granting hearing to



the petitioner.

6. I have heard learned counsel for the parties and perused the record.

7. This Court notes that by office order dated 29th December, 2023, the respondents have passed the following order:

*“No.RMK-24/1/2023-O/o-RMK/107375
Rashtriya Mahila Kosh
Government of India
Ministry of Women and Child Development*

*Shastri Bhawan, New Delhi -110001
Dated: 29/12/2023*

Office Order No. 2/2023

Ministry of Women and Child Development, Government of India vide OM No. 85/2/2023-Closure Cell dated 13.04.2023 conveyed approval of the Cabinet for rationalization of Rashtriya Mahila Kosh (RMK). Thereby, Special Voluntary Retirement (SVR) has been given to all regular employees of RMK. Further, vide OM of even number dated 14.12.2023, effective date of SVR is 31.12.2023 for all the regular employees of RMK.

2. In continuation of the aforementioned OMs:

(i) All concerned employees are hereby struck off from RMK w.e.f 31.12.2023 (A/N).

(ii) All activities of RMK stand closed w.e.f. 31.12.2023 (A/N).

3. This issue with the approval of the Competent Authority.

*Chandan Tirkey
Deputy Director
Rashtriya Mahila Kosh*

xxx xxx xxx”

8. Reading of the aforesaid clearly manifests that the service of the petitioner already stands terminated by the respondents.

9. Further, this Court also notes that the only direction given in the order dated 07th December, 2023 was to decide the representation of the petitioner, which has duly been done by the respondents by passing a speaking order dated 11th January, 2024.

10. It is to be noted that no incidental or additional/ancillary directions



can be given in exercise of its jurisdiction in the contempt proceedings. This Court in exercise of its contempt jurisdiction is required to see only the substantive compliance of the original order. Once a substantive compliance has been done, then no further orders are required to be passed by this Court.

11. Thus, the Supreme Court in the case of ***V. Senthur and Another Versus M. Vijayakumar, IAS, Secretary, Tamil Nadu Public Service Commission and Another, 2021 SCC OnLine SC 846*** has held as follows:

“xxx xxx xxx

15. There can be no quarrel with the proposition that in a contempt jurisdiction, the court will not travel beyond the original judgment and direction; neither would it be permissible for the court to issue any supplementary or incidental directions, which are not to be found in the original judgment and order. The court is only concerned with the wilful or deliberate non-compliance of the directions issued in the original judgment and order.

xxx xxx xxx”

12. Therefore, if the petitioner has any grievance with respect to the issuance of the office order dated 29th December, 2023, the petitioner is at liberty to initiate appropriate proceedings, in accordance with law.

13. Accordingly, the present contempt petition is disposed of with the aforesaid directions.

MINI PUSHKARNA, J

FEBRUARY 2, 2024

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