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

+ **CONT.CAS(C) 211/2019 & CM APPL. 11834/2019**

KARUNA NIDHAN

..... Petitioner

Through: Mr. Ankur Chhibber and Mr.
Anshuman, Advocate

versus

RAJIV GAUBA & ORS.

..... Respondents

Through: Mr. Vikram Jetly, CGSC with Mr.
Shreya Jetly, Advocate

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Date of Decision: 11th January, 2024

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

1. The present contempt petition has been filed alleging non-compliance of the order dated 15th December, 2015 passed by Division Bench of this Court in *W.P.(C) 3529/2015*, whereby the Court had directed the respondents to consider and grant Non-Functional Selection Grade ("NFSG") to the petitioner to the extent of the enhanced permissible limit of 30% of the senior duty post in accordance with Office Memorandum for the post of second-in-command ("2IC"), CRPF. The respondents had been directed to take appropriate steps to constitute a Committee to complete the process and to comply with the directions of the Court within a period of three months.

2. Mr. Vikram Jetly, learned Standing Counsel for the Union of India



(“UOI”) draws the attention of this Court to the affidavit of compliance dated 12th July, 2019, which reads as under.

“xxx xxx xxx

2. *I say that the judgment dated 03.09.2015 passed in WP (C) 153/2013 titled G.J. Singh & Others Vs. Union of India and Others (and other connected matters) as well as the judgment dated 15.12.2015 passed in WP (C) 3529/2015 titled Karuna Nidhan Vs Union of India and Others, by the Hon'ble High Court of Delhi, and upheld by the Hon'ble Supreme Court vide common judgment dated 05.02.2019, passed in SLP Nos. 35548-54/2015 and 13937/2016, stands complied with by the Union of India within the time granted by this Hon'ble Court.*

3. *I say that upon due processes/procedures being followed, the competent authority vide Office Memorandum No. J-II-07/2018-SLP/Pers.II dated 04.07.2019 has implemented the Order of the Hon'ble Court for grant of Organized Group 'A' Service (OGAS) to Group 'A' Executive Cadre Officers of Central Armed Police Forces (CAPFs) and consequential benefits of NFFU and NFSG. A copy of the relevant Office Memorandum bearing No. J-II-07/2018-SLP/Pers.II dated 04.07.2019 is annexed herewith as Annexure R-1. The same is self-explanatory.*

4. *I say that the judgments of this Hon'ble Court, as affirmed by the Hon'ble Supreme Court, having been complied with, the above titled Petition and/ or any other Contempt Petition(s), which may have been filed in any Court on the same subject matter, has/have become redundant and infructuous. The Petitioner may accordingly be directed to withdraw the above titled Petition or in the alternative, this Hon'ble Court may withdraw the notices issued to the Respondents in the above titled Contempt Petition, clarifying that no cause of action remains to pursue the Petition any further and that the same are dismissed on merits.*

xxx xxx xxx”

3. Thus, it is submitted that the respondent has already complied with the judgment dated 15th December, 2015 passed in W.P.(C) 3529/2015.

4. Per contra, learned counsel appearing for the petitioner, on instructions, submits that the amount towards the NFSG has been granted to the petitioner with effect from 27th November, 2012. However, he submits



that the petitioner is entitled to be granted NFSG from January, 2011, as the petitioner is a 1998 batch officer. He submits that since NFSG is to be granted after 14 years of putting in the service, the petitioner completed his 14 years of service in the year 2011, entitling him for payment of NFSG w.e.f. the year 2012.

5. Having heard learned counsel for the parties and having perused the record, this Court notes that the affidavit of compliance on behalf of respondents was filed in the year 2019.

6. This Court also notes that as far back as 14th January, 2020, this Court had recorded the statement on behalf of the respondents that the entire dues of the petitioner had been cleared.

7. Therefore, the stand of the respondent has been consistent since the year 2019 that all the dues have already been paid to the petitioner in compliance of the order dated 15th December, 2015 passed in *W.P.(C) 3529/2015*.

8. In case the petitioner has any grievance with respect to the calculation of dues towards NFSG payable to him, the petitioner is at liberty to seek his appropriate remedies, including making a representation to the respondents in this regard.

9. It may be noted herein that clarifying the scope of jurisdiction before the contempt court, Supreme Court in the case of *V. Senthur and Another Versus M. Vijaya Kumar, IAS, Secretary, Tamil Nadu Public Service Commission and Another, 2021 SCC OnLine SC 846* has categorically 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”

10. In view thereof, it is clear that this Court will not issue any supplementary or incidental directions, as this Court is only concerned with the compliance of the directions as issued in the order, compliance of which is prayed for.

11. Accordingly, this Court is of the view that no further order is required to be passed in the present contempt petition.

12. The contempt petition is closed and the notice of contempt is discharged. Petition is, thus, disposed of.

**(MINI PUSHKARNA, J)
JUDGE**

JANUARY 11, 2024

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