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

+ **CONT.CAS(C) 856/2021**

LAKSHMAN SINGH

..... Petitioner

Through: Mr. R.K. Shukla and Ms. Nisha
Maurya, Advocates.

versus

AHUTOSH GANGAL & ORS.

..... Respondents

Through: Mr. Pratima M. Lakra, CGSC with
Mr. Shubham Jain, Ms. Vanya Bajaj,
Advocates.
Mob. 9711569975

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
05.01.2024

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1. The present contempt proceeding has been filed alleging non-compliance of order dated 5th August, 2021 passed by Division Bench of this Court in *W.P.(C) 7838/2021*. By order dated 5th August, 2021, the Division Bench of this Court had passed the directions as follows:

“XXX XXX XXX

7. Therefore, according to us, the instant writ petition can be disposed of with the following directions: -

i) In case respondents were to pass a fresh order qua recoveries against the petitioner, they will, as directed by the Tribunal, accord opportunity of hearing to the petitioner.

*(ii) Respondents, while passing the fresh order, will take into account the judgment of the Supreme Court in **Rafiq Masih's case**.*

(iii) The respondents will also examine: whether the OM dated



02.03.2016, issued by the DoPT, is applicable to the petitioner? In case, the concerned authority concludes that the said OM is not applicable, it will furnish reasons as to why it is not applicable in the petitioner's case.

(iv) A copy of the speaking order, passed by the respondents, shall be furnished to the petitioner.

(v) The aforesaid exercise will be carried out with due expedition, though not later than 6 weeks from the date of receipt of a copy of this judgement.

XXX XXX XXX”

2. The aforesaid order dated 5th August, 2021 passed by the Division Bench categorically records that the respondents will pass a fresh order, while taking into account the judgment of the Supreme Court in the case of *State of Punjab and Others Versus Rafiq Masih (White Washer) and Others*, (2015) 4 SCC 334. It was further directed that the speaking order shall be passed by the respondents after giving due hearing to the petitioner.
3. This Court notes that pursuant to the order dated 5th August, 2021 passed by the Division Bench, a speaking order dated 29th November, 2021 has been passed by the respondent-Northern Railways.
4. Learned counsel appearing for the petitioner submits that though the speaking order has been passed by the respondent, however, the said speaking order is not in terms of the judgment passed by the Division Bench. He submits that the judgment dated 13th November, 2018 passed by Central Administrative Tribunal in O.A. 3958/2017 titled as *Shiv Kumar Versus Union of India and Others* as well as judgment in the case of *Rafiq Masih (White Washer) and Others*, passed by Supreme Court has not been considered while passing the speaking order.
5. Per contra, learned counsel appearing on behalf of the respondents states that all the parameters as laid down by the Division Bench while



passing the order dated 5th August, 2021 have been considered at the time of passing the speaking order dated 29th November, 2021.

6. Perusal of the record clearly shows that the respondent has complied with the order dated 5th August, 2021 passed by the Division Bench in *W.P.(C) 7838/2021* by way of passing a speaking order dated 29th November, 2021. In case the petitioner has any grievance against the said speaking order dated 29th November, 2021 passed by the respondent, the petitioner is at liberty to take appropriate legal proceedings for challenging the said speaking order.

7. In view of the aforesaid, the present contempt petition is disposed of.

MINI PUSHKARNA, J

JANUARY 5, 2024
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