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

+ **CONT.CAS(C) 1737/2024**

NEW DELHI PALIKA KARMCHARI SANGHPetitioner

Through: Mr. Kanhiya Lal and Mr. Hem
Kumar, Advs.

versus

KRISHAN MOHAN UPPU & ORS.Respondents

Through: Ms. Rashmi Chopra and Mr.
Parikshit Singh Bhatia, Advs.
Mr. Rakesh Kumar, CGSC with
Mr. Sunil, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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06.11.2024

CM APPL. 64785/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner is seeking initiation of the contempt proceedings against the respondents for wilful disobedience and non-compliance of undertaking given by their counsel as contained in the order dated 13.10.2022 passed in W.P.(C) 14492/2022.
4. Learned counsels for the respondents are present on advance notice.
5. Shorn of unnecessary details, the petitioner, which is a registered Trade Union, was aggrieved of inaction on the part of the respondents in not framing a policy of rotation or transfer in



accordance with the directions of the Supreme Court in SLP (Civil) No. 82/2011 titled as '**T.S.R. Subramanian & Ors. v. UOI & Ors.**' besides other guidelines of CVC¹. A statement was given on the aforementioned date by the learned counsel for the NDMC² that the framing of policy was under active consideration of the competent authority.

6. Evidently, an office memorandum has been issued on 15.12.2022 by the respondent No.1 thereby, notifying that the policy as directed by the Supreme Court and by various instructions of the CVC shall be applicable to all categories of employees under administrative control of the Chairman, NDMC.

7. The grievance of the learned counsel for the petitioner is that although the policy appears to have been implemented on papers, it has not been given any effect and no rotation or transfer has taken place pursuant thereto.

8. *Ex facie*, the remedy lies elsewhere and not in the present contempt proceedings. There is no *iota* of a word in the petition as to how and in what manner or who at all is eligible for rotation or transfer and has not been considered. If any individual member of the petitioner union is aggrieved, he/she shall be at liberty to seek appropriate relief from the competent forum. This contempt petition certainly does not lie.

9. Accordingly, the present contempt petition is dismissed.

DHARMESH SHARMA, J.

NOVEMBER 06, 2024/sm

¹ Central Vigilance Commission

² New Delhi Municipal Council