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

% **Date of Decision: 27th November, 2024**

+ **CONT.CAS(C) 1780/2024**

**MEHRAJ HUMAN RESOURCES AND IMMIGRATION
CONSULTANT**

.....Petitioner

Through: Mr. Ashwini K Sakhuja with Mr.
Vinod Sharma, Mr. Puneet Saini,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Shashank Garg, CGSC with Ms.
Archana Surve, GP, Ms. Aradhya
Chaturvedi, Mr. Raghav Bhatia,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner seeks initiation of contempt against respondent for wilful and deliberate disobedience of order dated 22.11.2023 passed by this Court in W.P.(C) No. 15127/2023.
2. When the above said writ petition was taken up by the Coordinate Bench of this Court, the following directions were passed:-

"1. The Petitioner has approached this Court for a direction to the Respondents to decide the appeal filed by the Petitioner on 31.01.2023 challenging the Order dated 16.09.2016 passed by Respondents allowing only Government Recruitment Agencies to recruit house maids for overseas employment.

2. In the view of the fact that the appeal is pending since January, 2023, the Respondents are directed to decide the appeal within a period of 12 weeks from today.

3. It is made clear that this Court has not expressed any opinion on the merits of the case.

4. The petition is disposed of along with pending application(s), if



any.”

3. Pursuant to the above said directions, admittedly, the appeal has been disposed of vide order dated 07.02.2024.
4. However, according to learned counsel for petitioner, such remand order, in reality, does not serve any real purpose as the Appellate Authority has merely remanded the matter and it is not clear as to what time would be taken by the concerned Authority to whom the matter has been remanded to take decision afresh.
5. It is, therefore, prayed that there should be some time-bound direction to the concerned Authority to dispose of the above said matter.
6. Learned counsel for the petitioner submits that contempt petition is not maintainable as the order in question has already been duly complied with and the concerned Appellate Authority has disposed of the appeal, even if it was by way of remand.
7. He submits that merely because the Appellate Authority had remanded the matter, it would not mean that there is any wilful disobedience of the directions contained in the above said order.
8. He also submits that now the Competent Authority is considering policy review, which is a time-consuming process.
9. Learned counsel for the respondent has also placed on record the response of the *Ministry of External Affairs* which is extracted as under:-

“Policy review is a time consuming process as it involves consultations with multiple stakeholders and channel of submissions. Given the sensitivity involved in the matter of overseas employment of Indian female workers who are most vulnerable to exploitation in domestic sector, the matter would also be required to be placed before the Consultative Committee for Ministry of External Affairs in the Parliament for their consideration. The Speaking Order with the



direction to review the GOI policy on overseas employment of Indian female workers was passed by the Appellate Authority in February 2024, when the process for election of the new Government at the Centre had also started. After the election, the new Government was formed in June 2024 only. The Consultative Committee for the Ministry of External Affairs in the Parliament has also been constituted recently [GOI Notification dated October 21, 2024]. Therefore, there was not sufficient time to take up the matter at appropriate level by the Ministry. The review process has already been initiated in the Ministry as per the directions of the Appellate Authority and the matter of overseas employment of Indian female workers would be brought before the Consultative Committee in due course.”

10. It is submitted by learned counsel for respondents that since the review of such policy involves consultation with multiple stake holders and is a time-consuming process, it will not be possible for the respondents to give any time-frame, particularly, when the *Consultative Committee* comprises of Parliamentarians and Ministers.

11. He, though, expects that in view of the above said directions, the Committee may review the same in an expeditious manner but at the same time, it will not be possible to give any specific time-frame in this regard.

12. Learned counsel for petitioner submits that he would explore other permissible legal options as available to petitioner under law and does not press this Contempt Petition. He, however, submits that in view of the order passed by the Appellate Authority, the petitioner herein may be permitted to submit the documentary proof in support of its contention against the state-run recruitment agents before such Committee. Needless to say, it will be appropriate as well if the petitioner is permitted to submit his representation along with documents, if any in this regard.

13. The petitioner is, therefore, permitted to send requisite communication in this regard to Mr. Birendra Kumar, US (Legal, Parliamentary matters &



Grievances) OE & PGE Division, Ministry of External Affairs, within two weeks from today and Mr. Birendra Kumar, would place the same before the above said *Consultative Committee* for its due consideration.

14. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

NOVEMBER 27, 2024/sw