



2025:DHC:10811-DB



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

+ **CONT.CAS(C) 424/2025**

DR REETA MONGIA

.....Petitioner

Through: Mr. Varun Singh, Mr. Shikhar
Upadhyay and Ms. Bhumi Sharma,
Advocates.

versus

GOVT OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Nitesh Kumar Singh,
Advocate for Mrs. Avnish Ahlawat, SC
GNCTD.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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27.11.2025

C. HARI SHANKAR, J.

1. This petition seeks initiation of action against the respondents for having committed contempt of order dated 23 December 2021 passed by the Central Administrative Tribunal¹ in OA No. 3556/2018² read with order dated 11 February 2025 passed by this Court in WP(C) 7531/2022³.

2. The operative para 10 of the order dated 23 December 2021 passed by the Tribunal passed in OA No. 3556/2018 reads thus:

¹ "Tribunal" hereafter

² **Dr. Reeta Mongia & Ors. v. Govt of NCT of Delhi & Ors.**

³ **Dr. Reeta Mongia v. Govt of NCT of Delhi & Ors.**



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“10. In the facts and circumstances and in view of the submissions made by the learned Counsel for both the parties, we dispose of this OA also, directing the respondents to consider the period spent on adhoc/contractual basis by the applicants towards the qualifying service in accordance with Rule 3(1)(q), Rule 13 and Rule 17 of the CCS Pension Rules. However, the same shall be subject to the decision of the Hon’ble High Court in WP(C) No. 1365/2018. Such consideration be granted to the applicants within a period of four weeks from the date of receipt of certified copy of this order.”

3. The aforesaid order passed by the Tribunal was challenged before this Court by way of WP (C) 7531/2022 in which, in the order dated 11 February 2025 passed by this Court, it was directed as under:

“6. The respondents were required to consider the period spent by the petitioner on ad hoc/contractual basis towards qualifying service in accordance with Rules 3(1)(q), 13 and 17 of CCS Pension Rules, within four weeks of the passing of the said judgment. The only caveat that the order entered was that the consideration would be subject to the outcome of WP (C) 1265/2018.

7. As already noted, the respondents never chose to challenge the judgment dated 23 December 2021 passed in OA 3556/2018.

8. The inexorable sequitur would be that the respondents are bound to comply para 10 of the judgment dated 23 December 2021 passed by the Tribunal in OA 3556/2018.

However, the said compliance, as already noted, would be subject to the outcome of WP (C) 1265/2018.

9. Accordingly, this application is disposed of with a direction to the respondents to strictly comply with para 10 of the judgment dated 23 December 2021 passed by the Tribunal in OA 3556/2018 positively within four weeks from today.”

4. Purportedly by way of compliance with the directions contained in the order dated 11 February 2025, the respondents have issued order dated 2 April 2025, of which paras 8 to 10 are relevant and may



be reproduced as under :

“8. And whereas, the matter of Dr. Reeta Mongia has been examined vis-a-vis the available records of the case and the following facts emerge:-

a. The rule 3 (q) defines the ‘Qualifying Service’ for the purpose of pensions and gratuities admissible under these rules.

b. The rule 13 states that the qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

However, as per record, Dr. Reeta Mongia was inducted in Govt. service w.e.f. 23.12.2009 as per provision of rule 6(2) of DHS (Allopathy) rules, 2009. Prior to this she was working on contract basis which cannot be considered an appointment as substantively or in an officiating or temporary capacity as she was not a Govt. servant from 18.10.1996 to 22.12.2009 and did not make any contribution towards Govt funds.

c. The rule 17 of CCS (Pension) Rules, states the manner in which the contribution of Contributory Provident Fund of the contractual employee shall be managed, however, in the matter of Dr. Reeta Mongia, no contribution was deducted from her for Contributory Provident Fund.

9. Now therefore, in compliance of direction of Hon'ble CAT issued vide order dated 23.02.2021 in O.A. No. 3556/2018 and direction of Hon'ble High Court of Delhi issued vide order dated 11.02.2025 in W.P.(C) No. 7531/2022, the matter regarding considering the period spent on adhoc/contractual basis (from 18.10.1996 to 22.12.2009) by Dr. Reeta Mongia towards the qualifying service in r/o Dr. Reeta Mongia was considered in the light of abovesaid facts and rule position and it is decided that the same cannot be considered as "Qualifying Service".

10. This is subject to the outcome of W.P (C) No.1265/2018 pending in hon'ble High Court of Delhi.”

5. It is the contention of Mr. Varun Singh, learned Counsel for the



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petitioner, that paras 8 to 10 of the order dated 2 April 2025 continued to be in contempt of order dated 23 December 2021 passed by the Tribunal read with order dated 11 February 2025 passed by this Court in WP (C) 7531/2022.

6. Mr. Varun Singh also points out that in the order dated 8 April 2025, a Coordinate Bench of this Court had *prima facie* observed that a case of contempt was made out and had issued notice of contempt to the respondents.

7. A reply has been filed by the respondents.

8. We have heard Mr. Varun Singh, learned Counsel for the petitioner and Mr. Nitesh Kumar Singh, learned Counsel for the respondents at some length.

9. Mr. Nitesh Kumar Singh's submission is that the respondents cannot, after the passing of the order dated 2 April 2025 be considered to be further in contempt of this Court or of the Tribunal. His submission is that there was no direction by the Tribunal to grant the petitioner, the benefit of Rule 3(1)(q), Rule 13 or Rule 17 of the CCS Pension Rules. The direction was to consider the period spent by the petitioner on *ad hoc*/contractual basis towards qualifying service in accordance with the said Rule. This, according to Mr. Nitesh Kumar Singh, reserved liberty with the respondents to take an informed decision, on considering the facts of the petitioner's case, vis-à-vis Rule 3(1)(q) of the CCS Pension Rules as to whether the petitioner's



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case would be covered thereunder. He reiterates that there was no positive direction to grant the petitioner the benefit of Rule 3(1)(q) of the CCS Pension Rules.

10. Mr. Varun Singh, in response has drawn our attention to the reply filed by the respondents to the contempt petition, in which he submits that the respondents have once again relied on the order dated 2 April 2025 in respect of which this Court had already made observations in its order dated 8 April 2025.

11. We are presently exercising contempt jurisdiction. We are only concerned with whether there is contumacious and wilful disobedience of the order of which the contempt is alleged. If the issue is even mildly arguable, it cannot be regarded as a case of contumacious and wilful disobedience. It is also settled that every disobedience of a Court order is not contempt and that contempt is made out only in case of wilful and contumacious disobedience.

12. The Supreme Court has also cautioned Courts from readily proceeding against public officials for committing contempt where the matter is arguable.

13. We are also conscious that, on 8 April 2025, a Coordinate Bench had observed that the order dated 2 April 2025 passed by the respondents might be contemptuous in nature and had issued notice of contempt. That, however, was a *prima facie* observation and, thereafter, we have the benefit of the response of the respondents and



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have also heard learned Counsel for the respondents in that regard.

14. We do not deem it appropriate in contempt proceedings, to return a final finding as to whether the petitioner is, or is not, entitled for the benefit of Rule 3(1)(q) of the CCS (Pension) Rules, or even whether the order dated 23 December 2021 of the Tribunal *intended* to hold that the petitioner was entitled to the benefit of the said Rule. Perhaps, it did. Even if it is possible to interpret the order dated 23 December 2021 of the Tribunal as conveying an opinion that the petitioner was entitled to the benefit of Rule 3(1)(q) of the CCS Pension Rules, we agree with Mr. Nitesh Kumar Singh that there is no categorical direction in the said order to grant the benefit of Rule 3(1)(q) of the CCS Pension Rules to the petitioner.

15. That being so, we do not feel that the respondents can be said to have acted in contumacious and wilful disobedience of the order passed by the Tribunal or of the order dated 11 February 2025 passed by this Court passed in WP(C) 7531/2022, in passing the order dated 2 April 2025.

16. The contempt petition is accordingly dismissed. Notices of contempt stand discharged.

17. We however clarify that this order shall not stand in the way of the petitioner challenging the order dated 2 April 2025 in appropriate legal proceedings in accordance with law, if so advised.



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18. We have not expressed any opinion on the merits of the dispute and have restricted our consideration to the aspect of whether the respondents can be said to have acted with wilful and contumacious disobedience of the order passed by the Tribunal or of this Court so as to mulct them with contempt action.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 27, 2025/pa