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

+ **CONT.CAS(C) 1634/2025&CM APPL. 68365/2025 (Stay)**

VIKRANT

.....Petitioner

Through: Mr. Inderpal Khokhar, Ms. Neha and
Ms. Simran Khokha, Advocates.

versus

NISHIKANT SRIVASTAVA

.....Respondent

Through: Mr. Syed Abdul Haseeb, CGSC with
Major Anish Murlidhar, Army.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 2 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers:

“It is therefore most respectfully prayed that proceedings under Section 2 & 12 of the contempt of court Act may kindly be initiated against the respondent and he may be punished according to law.

It is further prayed that the respondent be directed to compliance the Judgment / Order dated 17.12.2024 passed by this Hon'ble Court in Writ Petition (Civil) bearing no. 17382/2024 titled Vikrant v/s Union of India & Ors." And not to transfer the petitioner to its parental unit till the final disposal of the criminal case.

Any other or further relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be awarded in favour of the petitioner and against the respondent.”

3. *Vide* order dated 17.12.2024 in W.P.(C) 17382/2024, the learned Division Bench of this Court passed the following directions:



“7. Having considered the above submissions, and now that the petitioner has placed a copy of the Order dated 20.09.2021 passed by this Court in his Bail Application as a part of the present petition, we direct the respondents to consider the contents of the present petition as a representation of the petitioner and decide on the same within a period of four weeks from today. Needless to state, while considering the representation, the respondents shall keep in mind their own policies and orders that are relevant to the issue.

8. In the meantime, the petitioner shall not be directed to proceed with the transfer posting with his Regiment, that is, the respondent no. 4.

9. In case the decision of the respondents is adverse to the interest of the petitioner, it shall be open to the petitioner to challenge the same in accordance with the law.

10. We make it clear that we have not expressed any opinion on the merits of the claim of the petitioner.”

4. Subsequently, *vide* communication dated 02.01.2025, the petitioner was intimated in the following manner:

“SANCTION OF COMMANDER 2 MOUNTAIN ARTILLERY BRIGADE FOR ATTACHMENT OF NUMBER 15230347X LANCE NAIK (DMT) VIKRANT OF 1831 MEDIUM REGIMENT, RELEASED ON BAIL FOR ATTENDING COURT HEARING”

Under the provisions of Army Order 07/2000 as amended by Army Order 05/2003, sanction is hereby accorded for attachment of No. 15230347X Lance Naik (DMT) Vikrant of 1831 Medium Regiment to nearest Station Headquarter/Establishment/Unit, within Delhi NCR until the criminal case pending against the individual is finalised or he is exempted by the Hon’ble Court for personal appearance before the Court.

Station: c/o 99 APO

Date: 02-Jan 2025

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5. Thereafter, the petitioner moved an application dated 13.09.2025 for extension of attachment with 69 MED REGT for his Court case and the same was declined *vide* communication dated 09.10.2025.

6. In view of the aforesaid observation made by the learned Division Bench, the petitioner was given liberty to challenge the decision taken on his representation with regard to his posting. The direction of deciding the representation of the petitioner has been complied with.

7. The petitioner has already been given liberty to approach the competent authorities by way of an appropriate legal proceedings, if so advised.

8. In view of the aforesaid, the present petition is not maintainable and is dismissed and disposed of.

9. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

NOVEMBER 3, 2025/bsr/sg