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

+ W.P.(C) 1117/2026, CM APPL. 5483/2026 and CM APPL. 5484/2026

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Chetan Sharma, ASG with
Mr. Anshuman, SPC with Mr.
Amit Gupta, Mr. R V Prabhat,
Mr. Shubham Sharma, Mr.
Yash, Mr. Wardhan Sharma,
Mr. Naman, Mr. Vaibhav Sood,
Advs.

versus

RANDHIR KUMAR AND ORS

.....Respondents

Through: Mr. Aditya Narayan Tripathy,
Dr. Kedar Nath Tripathy, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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27.01.2026

1. Through the present Petition, the Petitioners assail the correctness of the order dated 19.12.2023 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'Tribunal'], whereby the O.A. No.2567/2023 filed by the Respondents was allowed.

2. By way of the aforesaid OA, the Respondent, *inter alia*, sought a direction to the Petitioners to convene the Departmental Promotion Committee ('DPC') to consider their promotion to the post of Senior Scientific Officer (SSO) Grade-I, prepare a year-wise panel for such promotion and accord the consequential benefits arising therefrom.

The operative part of the Impugned Order reads as under:

"9. In light of the above, the O.A is allowed and the respondents are directed to hold the DPC in respect of the applicants herein immediately to consider their cases for promotion to the post of SSO



Grade I, within a period of six weeks from the date of receipt of a certified copy of this order. We also direct the respondents to prepare year-wise panels for promotion to the said post and accord consequential benefits to the applicants in accordance with law.”

3. Issue Notice.

4. Mr. Aditya Narayan Tripathy, Advocate accepts Notice on behalf of the Respondents and submits that the present Petition may be disposed of at this stage, as he waives the right to file a reply to the present Petition.

5. To briefly summarize the background of the present dispute, the Respondents herein, after the passing of the Impugned Order, filed a Contempt Petition bearing C.P. No.822/2024 captioned ***Randhir Kumar v. Sh. Giridhar Aramane and 2 Others Defence*** before the Tribunal, alleging non-compliance with the directions issued by the Tribunal by way of the Impugned Order.

6. Whereafter, the Tribunal, *vide* its Order dated 09.12.2025, after hearing the parties, observed that the Petitioners had failed to comply with the directions contained in the Impugned Order. Consequently, the Tribunal directed the Petitioners to comply with its earlier directions by the next date of hearing, failing which the Director General, Office of the Director General Quality Assurance, Department of Defence Production, Ministry of Defence, was directed to personally appear before the Tribunal.

7. Simultaneously, in deference to the directions issued by the Tribunal, the Petitioners convened the DPC on 12.02.2024, thereby granting promotion to the Respondents pursuant to the Promotion List dated 08.03.2024. However, under Paragraph No.6 of the said list stipulated as follows:



“6. The promotion of the officers will be effective from the date of assumption of charge as SSO-I in their new establishment. No request for change in place of posting would be entertained. Charge assumption report of the above mentioned officers as SSO-I and SOS/TOS date may be forwarded to DGQA/Adm-6A and DGQA/Adm-68 separately alongwith the necessary DO part-II, immediately on occurrence.”

8. Learned ASG representing the Petitioners, primarily challenges the correctness of the order passed on 09.12.2025, contending that the directions contained in the Impugned Order have already been complied with and, hence, the contempt petition is not maintainable.

9. *Per contra*, learned counsel representing the Respondents submits that the O.A. filed before the Tribunal, inter alia, sought grant of consequential benefits and the Tribunal, while issuing directions by way of the Impugned Order, specifically directed that such benefits also be accorded to the Respondents. In view thereof, it is argued that a case for contempt is made out.

10. This Court has heard the submissions advanced by the learned counsel representing the parties.

11. At the outset, a perusal of Paragraph No.9 of the Impugned Order, makes it evident that the Tribunal disposed of the O.A. filed by the Respondents, directing the Petitioners to convene the DPC within a period of six weeks and, thereafter, prepare year-wise panels for promotion to the said post and accord consequential benefits.

12. Whereas, this Court has been apprised that the Petitioners, in compliance with the directions contained in the Impugned Order, have held the DPC and have also prepared the year-wise panels. It is also the case of the Petitioners that the Impugned Order has thus been complied with, and the Respondents are entitled only to the benefits specified in Paragraph No.6 of the Promotion List dated 08.03.2024.



13. In the considered view of this Court, since the Petitioners have convened the DPC, prepared the year-wise panels and granted promotion in accordance with the Impugned Order, any grievance pertaining to the scope of consequential benefits granted under Paragraph No.6 of the Promotion List, cannot, therefore, form the basis of initiating a contempt proceeding. In such circumstances, the recourse, if at all, available to the Respondents is limited to challenging the action undertaken by the Petitioner, by instituting a fresh O.A. before the Tribunal.

14. It is well-settled that the jurisdiction to initiate contempt proceedings arises only in cases of willful disobedience of clear and categorical directions. However, in cases alike, where a subsequent order has been passed in compliance with directions issued by the Tribunal, whether right or wrong, the appropriate remedy for the aggrieved party lies in filing a fresh O.A. to challenge/test its correctness.

15. To permit contempt proceedings to linger and persist in such circumstances would be an attempt to distort the purpose of this jurisdiction, converting the proceedings into a surrogate vehicle for testing the merits rather than acting as a shield for the authority of judicial orders. Such an approach does not commend itself to the conscience of this Court, which is mindful that the sanctity of contempt jurisdiction lies in enforcement of authority and not in re-litigation of disputes over compliance.

16. Accordingly, the present Petition is allowed. The Order dated 09.12.2025 is hereby set aside, with liberty to the Respondents to file a fresh O.A. before the Tribunal, if so advised.



17. The present Petition, along with all the pending applications, stands disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 27, 2026

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