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

\+ W.P.(C) 1111/2026, CM APPL. 5464/2026, CM APPL. 5465/2026 and CM APPL. 5466/2026

UNION OF INDIA AND ANR .....Petitioners

Through: Mr. Ashish K Dixit, CGSC with Mr. Umar Hashmi, Ms. Iqra Shiekh and Ms. Namita, Advs.

versus

HARI NARAYAN MEENA .....Respondent

Through: Mr. M.K. Bhardwaj, Ms. Priyanka M. Bhardwaj and Mr. Praveen Kumar Kaushik, Advs.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.01.2026**

1. The present petition has been filed assailing the correctness of Orders dated 02.12.2025 and 06.08.2025 passed by the Central Administrative Tribunal, Principal Bench, Delhi [hereinafter referred to as 'Tribunal'] in Contempt Petition bearing C.P. No. 317/2025 arising out of Original Application bearing O.A. No. 1171/2023.

2. *Vide* the Order dated 22.01.2025, the O.A. filed by the Respondent/Applicant, seeking to quash and set aside the Charge Memorandum dated 11.04.2023 and CVC advice dated 21.03.2022, was disposed of as having become infructuous, and the following directions were issued:-

> "9. We, however, direct the respondents to consider the applicant for grant of further promotion and consequential benefits which have been denied to him on account of the pendency of disciplinary proceedings. This exercise shall be carried out within eight weeks

from the date of receipt of a certified copy of this Order."

3. In compliance with the aforesaid order passed by the Tribunal, the Competent Authority issued the following order on 23.07.2025:-

F. No. A-32012/18/2024-Ad.II
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)
****

North Block, New Delhi-110001
Dated: 23rd July, 2025

OFFICE ORDER No. 124 / 2025

The President of India is pleased to empanel and promote Shri Hari Narayan Meena (Emp.Code:2549; Batch:2001; DoB:20.06.1975) to the grade of Commissioner of Customs & Indirect Taxes in the Indian Revenue Service (Customs & Indirect Taxes) in Level 14 of the Pay Matrix (SAG) against the panel year 2022, on notional basis w.e.f. 01.09.2022, and on actual basis w.e.f. the date of assumption of charge of the post, and until further orders.

2. His regular posting will be decided in due course with the approval of the Competent Authority. Till then, he shall assume the charge of the promotional post on in situ (as is where is) basis.

3. The compliance report regarding joining of the above officer shall be sent to the Board (with a copy endorsed to Pr. ADG (HRM-II), DGHRD) immediately.

4. Thereafter, the Respondent herein filed C.P. No. 317/2025, alleging non-compliance of the Order dated 22.01.2025. The Tribunal, *vide* the Impugned Order dated 06.08.2025, concluded that the Order dated 22.01.2025, has only been partially complied with, inasmuch as the Petitioner was promoted to the post of Commissioner (Excise) on a notional basis with effect from 01.09.2022, whereas actual monetary benefits, including salary, were granted only from the date he assumed charge.

5. Parallelly, the Order dated 22.01.2025 and the Impugned Order dated 06.08.2025 came to be challenged before this Court by way of ***W.P.(C) No. 17420/2025*** titled ***Union of India and Ors. v Hari Narayan Meena***; however *vide* Order dated 15.01.2026, the said

petition was dismissed as withdrawn.

6. Subsequently, the contempt petition was again listed before the Tribunal and, *vide* the Impugned Order dated 02.12.2025, it was observed that in terms of the judgment of this Court in ***W.P.(C) No.7423/2012*** titled ***GNCTD and Ors. v Sh. Rakesh Beniwal and Ors.***, the issue pertaining to consequential benefits stood settled. On that basis, the Tribunal further observed that the non-compliance on behalf of the Petitioners resulted in contempt of court. The Tribunal further directed the Petitioners to comply with its direction, failing which the concerned officer was directed to appear in person before the Tribunal.

7. At the outset, it becomes relevant to note that the law regulating the contempt jurisdiction of the Court is well-settled, in as much as the jurisdiction to initiate contempt proceedings arises only in cases of willful disobedience of clear and categoric 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 and/or test its correctness.

8. 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.

9. In the present case, it is evident that the Tribunal, by its order dated 22.01.2025, had merely directed the Petitioners to consider the Respondent for grant of further promotion along with consequential benefits.

10. The aforesaid direction has since been complied with, and an order to that effect has already been passed. Accordingly, no case of contempt is made out. The Respondent, if so advised, may avail of the appropriate remedy by instituting a fresh petition. Consequently, the Impugned Orders dated 06.08.2025 and 02.12.2025 are set aside.

11. In view of the above, the present Petition, along with all pending applications, stands disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 27, 2026/sp/hr