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

+ W.P.(C) 2161/2026 and CM APPL. 10501/2026
UNION OF INDIA AND ORSPetitioners
Through: Mr. Sushil Kumar Pandey, SPC

versus

VIRPALRespondent
Through: Mr. Suresh Sharma, Adv.

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

ORDER

% **16.02.2026**

CAV 80/2026

1. Since learned counsel for the Respondent has entered appearance, the Caveat stands discharged.

W.P.(C) 2161/2026 and CM APPL. 10501/2026

2. The present Petition under Article 226 of the Constitution of India has been filed seeking issuance of a writ in the nature of *Certiorari* for quashing the orders dated 09.12.2025 and 22.01.2026 passed by the learned Central Administrative Tribunal [hereinafter referred to as 'Tribunal'] in Contempt Petition No. 725/2025 in O.A. 1754/2018.

3. The Original Application filed by the Respondent was disposed of by the Tribunal *vide* order dated 02.04.2025. The operative portion of the said order reads as under:

“.....5. It is evident that the respondents have already taken steps in providing relief to the applicant. Although a decision has been taken to re-fix the pay of all the ex-serviceman based on DOPT Instructions, for some reason the pay has not been fixed in the applicant's case. Counsel for the applicant submits that the applicant



would be satisfied if the respondents fix the pay of the applicant in terms of the two letters reproduced above.

6. Hence, the present OA is disposed of with a direction to the respondents to carry out the exercise in terms of the abovementioned letters, within a period of three months from the date of receipt of a certified copy of this order.....”

4. It is not in dispute that, pursuant to the aforesaid directions, the Petitioner No.1 passed an order dated 10.11.2025 and placed the same before the Tribunal by way of a compliance affidavit.

5. The Tribunal, however, *vide* order dated 09.12.2025, rejected the compliance affidavit upon recording certain deficiencies. Subsequently, by order dated 22.01.2026, the Tribunal directed that in case compliance was not effected within four weeks, Respondent No.1 therein would remain present in person.

6. Learned counsel appearing on behalf of the Petitioners submits that a further compliance affidavit has since been filed before the Tribunal. Learned counsel for the Respondent does not dispute that such affidavit has been filed, though it is stated that the same was filed after the order dated 22.01.2026.

7. Having heard learned counsel for the parties, this Court considers it appropriate to observe that the jurisdiction to initiate and proceed in contempt is to be exercised with circumspection. The object of contempt proceedings is to secure compliance of judicial directions and to uphold the majesty of law. It is not intended to be invoked in a manner that results in undue hardship where compliance is stated to have been made and is placed before the concerned forum for consideration.

8. In view of the fact that a further compliance affidavit has already been filed, the Tribunal is requested to consider the same and



pass an appropriate order in accordance with law.

9. The Tribunal shall do so without insisting upon the personal appearance of the concerned officer, at this stage, and shall examine the question of compliance on the basis of the material placed before it.

10. It is clarified that this Court has not expressed any opinion on the merits of the controversy or on the sufficiency of compliance, and all contentions of the parties are left open to be considered by the Tribunal.

11. With the aforesaid observations, the present Petition, along with the pending application, stands disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 16, 2026/sp/pal