



2026:DHC:4251-DB



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

+ **W.P.(C) 3165/2024, CM APPL. 13052/2024**

**INDIAN DEFENCE SERVICES
ENGINEERS ASSOCIATION**

.....Petitioner

Through: Mr. Naresh Kaushik, Sr. Adv.
with Mr. N. Raja Singh, Ms. Manisha
Chaudhary and Ms. Palak Agarwal, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Mukul Singh, CGSC with
Mr. Aryan Dhaka and Ms. Sunidhi Tyagi,
Advs. for UOI

Mr. Devvrat Yadav, SPC with Mr. Kartik
Sharma, GP

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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12.05.2026

C.HARI SHANKAR, J.

1. This writ petition is directed against an order dated 19 January 2024 passed by the Central Administrative Tribunal¹ in CP 193/2017, whereby the petitioner had sought initiation of proceedings against the respondents for committing contempt of the Tribunal.

2. The proceedings germinate out of OA 1715/2014, in which the petitioner was the applicant.

Signature Not Verified¹ "the Tribunal", hereinafter

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3. The petitioners claimed, in the OA, to be aggrieved by the non-implementation of the decision, taken in the meeting of the Cadre Review Committee on 22 September 2011, to convene the next cadre review meeting after one year.

4. OA 1715/2014 was disposed of, by the Tribunal, by judgment dated 19 August 2016, the operative paragraph of which read as under:

“23. In view of the discussion above, we find the cadre review has to be mandatorily held after every five years and there is no escape from the same; and that maintaining balance between the different components is a matter of policy that lies within the Government domain. Taking recourse to others subterfuge like not holding the cadre review is only means of postponing the crises and makes the situation worse. It leaves a whole lot of dissatisfied staff behind. Since the decision of holding a cadre review after one year as per the meeting of Cadre Review Committee on 22.09.2011 has lapsed on account of delay by the inaction of the respondents, we quash and set aside the order dated 05.02.2015. Accordingly, we allow the OA with directions to the respondents that the 4th Cadre Review Committee should be notified within a period of three months from the date of production of a certified copy of this order. The MAs also stand disposed of. No costs.”

5. Alleging that there was no compliance with the aforesaid direction issued by the Tribunal, the petitioner filed CP 193/2017. Various orders came to be passed in the contempt petition, which have been reproduced in the order under challenge passed by the Tribunal. Ultimately, however, the Tribunal observed as under:

“3. The petitioners may be nursing a genuine grievance that the cadre review undertaken by the respondents cannot be termed as review as it only restates the existing position and hence, it has resulted in frustrating the Original Application.

4. We do recognize that the direction was that the respondents



shall undertake a cadre review and what the respondents have stated time and again is that restructuring/revision of cadre has not been found to be feasible. The question before us is that should a review necessarily entail the change in the status quo or the review could arrive at a decision that status quo deserves to be maintained.

5. We are of the opinion that review has to finally led to an appropriate decision and the respondents are well within their right and entitled, after such a review, to decide whether the existing situation needs any amendment or reconsideration or not.

6. Further an appropriate communication has also been issued by the respondents; the merits of the said communication with respect to the prayer made in the OA cannot be questioned in a Contempt Petition for which an appropriate legal remedy lies elsewhere. Our limit is to determine whether the respondents could be held guilty of a willful disobedience of the court. The key element is “disobedience” conditional upon its being “willful”. We have certainly no doubt that such is not the case here, hence action for contempt is not warranted.

7. We are of the view that, against the background of the developments recorded above, the present Contempt Petition deserves to be closed and accordingly, we order its closure. The petitioners always enjoy liberty to take recourse to an appropriate remedy in accordance with law, should any of their grievances still survive, and should be so inclined.”

6. It is against this decision that the petitioner has now approached this Court by means of the present writ petition.

7. While issuing notice in this writ petition on 1 March 2024, this Court passed the following order:

“W.P.(C) 3165/2024 & CM APPL. 13052/2024 -Int. Dir.

3. Learned counsel for the respondents prays for time to obtain instructions as to whether the proposal for Cadre Review of the IDSE was placed before the Cabinet as per the assurance given to the Tribunal as also to this Court in W.P.(C)4505/2023.

4. At request, list on 22.04.2024.”



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8. The next order of significance is the order dated 14 August 2024 passed by a subsequent Coordinate Bench of this Court:

“1. Pursuant to order dated 01.03.2024, learned counsel for the respondents submitted that Engineer-in-Chief’s Branch (E1A) issued by Integrated HQ of MoD (Army) stated as under:

“(d) MoD vide MoD ID No PC to MF No. 6(15)/2017/D (Works-II) dated 05 Aug 2022 directed the E-in-C’s Branch that in view of optimization ordered by CCS, the Cadre strength of the MES vis a vis the functional requirement of the MES is required to be streamlined. Resultantly, examination of impact of abolition of certain posts of MES and associated HR implications at all levels of hierarchical structure of MES was directed. At this time, the 4th Cadre Review of Group “A” Constituent of Civilian Officers of the Military Engineer Services (MES) was still under consideration at the Cabinet.

(h) As per the provisions of Para 4.4(i) of DoP&T OM No. I- 11011/16/2022-CRD dated 30 Sep 2022:-

“Every cadre should be reviewed once every five years, the review should be first carried out by the Cadre Controlling Authority, preferably in consultation with the representatives of the Service/Cadre in question. **However, if it is convinced after such a review that no change in the cadre structure is required, the decision should be conveyed to DoP&T with the approval of Minister in Charge.**”

2. Thus, learned counsel for the respondents submits that the proposal for the cadre review was not placed before the cabinet. He further submits that the said proposal ended up before the Defence Minister only, therefore, there was no occasion to place the same before the cabinet. To this effect he seeks time to file an affidavit along with necessary documents. The needful be done within two weeks with advanced copy to the other side. Response thereto, if any, be filed within two weeks.

3. Re-notify on 09.12.2024.”

9. In terms of the directions issued in the order dated 14 August 2024, the respondents filed an affidavit dated 7 December 2024. We

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deem it appropriate to reproduce paragraphs 6 to 10 of the said affidavit as under:

“6. That the proposal of Cadre Review undergoes multiple amendments as part of the review/examination at various level during the Cadre Review process.

7. That the Cadre Review process as outlined in DoP&T OM No I-11011/16/2022-CRD dated 30 Sep 2022 was followed to include consideration of the proposal by DoP&T, CRC (Cadre Review Committee), MoE (Ministry of Expenditure) and the Cabinet.

8. That the final decision of the Administrative Ministry (Ministry of Defence in this case) as part of the iteration of Cadre Review process was that ‘No change’ is required from the cadre structure as given in 3rd Cadre Review (refer Para 6 of Annexure R1).

9. That as per Para 4.4(i) of the DoP&T OM No i-11011/16/2022-CRD dated 30 Sep 2022, the Competent Authority to approve such decision is the Hon’ble Raksha Mantri being the Minister in Charge of the Department. In accordance with the procedure for Cadre Review, the approval of the Hon’ble Raksha Mantri was accorded vide Ministry of Defence letter No 27/(3)/2014/D (Works-II) dated 14 Aug 2023 and notified by DoP&T on their webpage dated 15 Sep 2023.

10. That the 4th Cadre Review of Group ‘A’ Constituent of Civilian Officers of Military Engineer Services (MES) to include IDSE, Surveyor and Architecture Cadres has been notified, after culmination of the due process of Cadre Review as stipulated by DoP&T, vide documents uploaded by DoP&T on their webpage dated 15 Sep 2023 and has thereby attained finality.”

10. According to the assertions in the above affidavit, the process of cadre review was undertaken, and the final decision of the Ministry of Defence was that no change was required in the cadre structure as it existed after the earlier third cadre review. This decision was thereafter put up to the Hon’ble Minister of Defence, who accorded his approval thereto on 14 August 2023. The decision was



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subsequently notified by the DOPT on its webpage on 15 September 2023.

11. With this, according to the affidavit filed by the respondents, the exercise of the fourth cadre review has come to an end.

12. Mr. Naresh Kaushik, learned Senior Counsel appearing for the petitioner, submits that the entire exercise of cadre review was an eye wash and that, if the respondents' case was that no change in cadre was required to be undertaken, that decision could have been taken at the very first instance. He submits that the respondents led the Tribunal as well as this Court up the garden path, by assuring the Court that a meaningful exercise of cadre review was being undertaken, thereby allowing matters to protract for almost five years as on date, with a final decision not to effect any change in the cadre structure.

13. Mr. Kaushik also points out that, even in paragraph 3 of the order under challenge, the Tribunal has observed that the grievance of the petitioner that there has been no review of the cadre whatsoever may be genuine.

14. We are, unfortunately, moving in the realm of contempt jurisdiction. A contempt court is only seized with the issue of whether wilful and contumacious disobedience of the order passed by the Court has taken place. The matter is essentially between the Court and the contemnor, and, classically, no substantive directions can be issued in a contempt petition. If the court finds that there is



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contumacious and wilful disobedience as would tantamount to contempt of court, the respondents would be punished. This is the classical extent of contempt jurisdiction. The correctness of the decision taken by the respondents is outside the scope of our decision in contempt.

15. Howsoever genuine the grievance of the petitioner may be, regarding the final decision of not effecting any change in the cadre, the correctness of the decision cannot be examined by us while exercising writ jurisdiction over an order passed by the Tribunal in a contempt petition.

16. The petitioner would, needless to say, be at liberty to challenge the final decision of the respondents, as is reflected in the affidavit dated 11 October 2024/7 December 2024. The Tribunal has also granted the said liberty.

17. We, therefore, regret that we are not in a position to pass any further orders in this matter. The writ petition is accordingly disposed of.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 12, 2026/aky