



2026:DHC:3589-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5701/2026, CAV 185/2026, CM APPLs. 28007/2026
& 28008/2026

GOVERNMENT OF NCT OF DELHI & ORS.Petitioners

Through: Mr. Gaurav Dhingra, Adv. with
Mr. Shashank Singh, Adv.

versus

RAM NIWASRespondent

Through: Mr. Asish Nischal and Mr.
Arun Nischal, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)
27.04.2026

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C. HARI SHANKAR, J.

1. This writ petition is yet another instance which makes us wonder whether, at the time when the decision in *L. Chandra Kumar*¹ was passed by seven Hon'ble Judges of the Supreme Court, it was ever imagined that orders such as the one under challenge in the present petition would also burden the docket of High Courts under Article 226.

2. The impugned order, passed by the Central Administrative Tribunal² in CP/625/2025, reads thus:

¹ *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261

² "the Tribunal", hereinafter



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“Learned counsel for the respondents, on specific instructions from Mr. Rajbir Yadav, Dy. Director and departmental representative, who is present, submits that the order has been passed based on the OM dated 09.08.1999. It is, however, noted that the said OM, though referred to in the impugned order dated 25.02.2026, was neither brought to the notice of this Tribunal at the time of hearing of the OA nor during the review application.

Let learned counsel for the respondents obtain appropriate instructions.

Re-notify on 20.04.2026.

Mr. Rajbir Yadav, Dy. Director and departmental representative, shall remain present on the next date of hearing.”

3. Mr. Gaurav Dhingra, learned Counsel for the petitioners submits that the Tribunal ought not to have passed the impugned order even after the petitioners had filed a compliance affidavit.
4. We do not see, in the first instance, how the petitioners even be claimed to be aggrieved by the impugned order. The impugned order merely records certain observations. It has given liberty to the learned Counsel for the petitioners, as the respondents before the Tribunal, to obtain instructions. It would always be open to the petitioners to satisfy the Tribunal that they have not committed contempt.
5. Our cause list today is of 92 matters and we are constrained to observe that, if such petitions are to be entertained, the list would become completely unmanageable.
6. Mr. Gaurav Dhingra, at this juncture, seeks to place reliance on



a judgment of this Court in *Union of India v. Shashank Sharma*³, from which he particularly draws attention to paragraphs 11, 12 and 13 which read as under:

“11. Rightly or wrongly, the petitioners have taken a decision regarding the entitlement of the respondents for promotion as per the order dated 28 August 2023. A reading of the order reveals that the provisions of the RRs have also been taken into consideration.

12. In that view of the matter, we are of the *prima facie* opinion that the Tribunal was in error in returning, in para 14 of the impugned order, that the respondents could not have been denied promotion. Whether the respondents were, or were not, entitled to promotion, was not an aspect which the Tribunal could legitimately have considered while dealing with a contempt petition, in the absence of any specific direction, in the order of which contempt was alleged, to promote the respondents. By so holding, the Tribunal has, in a contempt petition, converted an order which was only to direct the respondents to be granted promotion, to an order which effectively directs that they should be given promotion.

“13. Such a direction could not have been passed in contempt proceedings. A court seized of contempt proceedings can find the alleged contemnor guilty, or not guilty, of having committed contempt, and proceed accordingly. It cannot issue substantive directions, or grant substantive relief to the applicants before it. Any such directions would be manifestly in exercise of jurisdiction. In *V.M. Manohar Prasad v. N. Ratnam Raju*⁴, the proposition was thus stated:

“7. ... Secondly, it is submitted that the Contempt Court had no jurisdiction to issue any direction providing any substantive relief to the petitioners moving the contempt petition. In support of this contention reliance has been placed upon decisions of this Court in *Jhaleswar Prasad Paul v. Tarak Nath Ganguly*⁵ and *Notified Area Council v. Bishnu C. Bhoi*⁶. There is no doubt about the position under the law that in contempt proceedings no further directions could be issued by the court. In case it is

³ 2024 SCC OnLine Del 8032

⁴ (2004) 13 SCC 610

⁵ (2002) 5 SCC 352

⁶ (2001) 10 SCC 636



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found that there is violation of the order passed by the court the court may punish the contemnor otherwise notice of contempt is to be discharged. An order passed in the contempt petition, could not be a supplemental order to the main order granting relief.”

(emphasis supplied)

7. The case of ***Shashank Sharma***, and the present, are as alike as chalk and cheese.

8. In ***Shashank Sharma***, substantive directions for grant of promotion had been issued by the Tribunal in a contempt petition. We held that the Tribunal could not have passed substantive directions for grant of promotion in contempt proceedings.

9. No such directions have been issued by the Tribunal in the present case.

10. This petition is, therefore, completely misconceived and is accordingly dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 27, 2026/aky