



2026:DHC:3304-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6874/2024****PHARMACY GRADUATES
WELFARE ASSOCIATION**

.....Petitioner

Through: Mr. Aadil Singh Boparai, Ms.
Srishti Khanna, Ms. Prakruthi Jain and Mr.
Chirag Dahiya, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.RespondentsThrough: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Ms. Aliza Alam
and Mr. Mohnish Sehrawat, Advs.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT (ORAL)**

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20.04.2026

1. This writ petition assails the following order dated 18 December 2023 passed by the Central Administrative Tribunal¹:

“MA No. 488/2020

The present MA seeks revival of CP No. 229/2013 which was closed vide order dated 21.01.2019. Learned counsel for the applicant/petitioner has pointed out that the closure of the CP was on the basis of an assurance given by the respondent that they shall expedite the process of amending the recruitment rules. He further points out that in an earlier round of litigation on the same subject, a specific direction was given to the respondents that they shall create a proper cadre of pharmacists and what the respondents have done is that instead of creating a proper cadre they have restructured the cadre to the disadvantage of the present petitioners/applicants. While taking note of the submission of the

¹ “Tribunal” hereinafter



learned counsel for the petitioners, we note that our jurisdiction in contempt proceedings is limited. We have gone through the reply/affidavit filed by the respondents and are convinced that element of willful disobedience which is a pre condition to initiate contempt proceedings does not get attracted.

2. Therefore, the present MA is dismissed. However, while closing the same, we afford liberty to the petitioners/applicants to seek an appropriate remedy in accordance with law, should they be still inclined to agitate their grievances, if any survive.”

2. Without entering into the aspect of whether the petitioner could have sought revival of a CP which had already been closed, we have, nonetheless, to do justice, examined whether there was actually any contempt committed by the respondents of the original substantive directions passed by the Tribunal.

3. OA 3233/2011 filed by the petitioner-association before the Tribunal stood disposed of, by a judgment dated 24 April 2012, which contained the following operative directions:

“12. We have considered the matter carefully. As submitted by the learned counsel for the applicants supported by various judgments, in the absence of clear cut cadre structure, the right of consideration for promotion will remain only an empty principle. Therefore, it is necessary that the respondents should create a proper cadre in different grades for the Pharmacists working in various hospitals under the Govt. of NCT of Delhi. We also note that the respondents are already seized of the matter and they are taking necessary steps in the said direction but we observe that the speed with which it is moving is not very satisfactory. In view of the circumstances, we direct that the respondents shall take expeditious steps to finalize the creation of a proper cadre structure for the Pharmacists working under them within a maximum period of six months from the date of receipt of a copy of this order. Accordingly, this O.A. is disposed of. There shall be no order as to costs.”



4. Clearly, therefore, the only direction to the respondents in this judgment was to finalise the creation of a proper cadre structure for Pharmacists working under the respondents.

5. Alleging that there was no compliance with the aforesaid directions, the petitioner filed CP 229/2013, which was disposed of by order dated 21 January 2019, granting the respondents two months' further time to comply with the aforesaid judgment in the OA.

6. MA 488/2020 was filed by the petitioner seeking revival of the CP on the ground that there was still no compliance with the aforesaid directions issued by the Tribunal.

7. Mr. Singh, learned Counsel for the respondents, has drawn our attention to the Delhi Pharmacy Group B and C Service (Allopathy) Rules, 2019 which was notified by the Department of Health and Family Welfare on 29 March 2019 almost within the period of two months granted by the Tribunal in CP 229/2013. Without reproducing the entire notification, we notice that it creates posts of Pharmacists, Senior Pharmacists and Assistant Chief Pharmacist, with promotion being contemplated from Pharmacist to Senior Pharmacist and Senior Pharmacist to Assistant Chief Pharmacist.

8. Clearly, therefore, the respondents have put in place a cadre of pharmacists, moving up from Pharmacist to Senior Pharmacist and, thereafter, to Assistant Chief Pharmacist.



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9. Though Mr. Aadil Singh Boparai, learned Counsel for the petitioner submits that the aforesaid rules do not really create a cadre, as there are specifications therein that the nature of duties of the posts would be similar, we are of the view that, with the issuance of the notification dated 29 March 2019, notifying the 2019 Allopathy Rules, no case of contempt remained against the respondents.

10. We, therefore, are of the opinion that the Tribunal has correctly refused to entertain the MA, reserving liberty with the petitioner to seek substantive reliefs, if so advised, in accordance with the law.

11. No case, therefore, is made out for us to interfere with the impugned order, which is affirmed.

12. The writ petition is dismissed.

13. Needless to say, the liberty granted by the Tribunal to the petitioner would continue to enure in favour of the petitioner.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

APRIL 20, 2026/AR