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

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+ **W.P.(C) 13996/2025**

RAJESH KUMAR BALARAPetitioner

Through: Mr. Suresh Sharma, Adv.

versus

GOVT. OF NCT OF DELHI AND OTHERS.....Respondents

Through: Mr. Nitesh Kumar Singh, Adv.

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+ **W.P.(C) 14008/2025**

RAJESH KUMAR BALARAPetitioner

Through: Mr. Suresh Sharma, Adv.

versus

GOVT. OF NCT OF DELHI AND OTHERS.....Respondents

Through: Mr. Nitesh Kumar Singh, Adv.

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+ **W.P.(C) 17828/2025, CM APPL. 73601/2025 & CM APPL. 1042/2026**

SMT. SUPRITEE KULSHRESHTHAPetitioner

Through: Mr. Suresh Sharma, Adv.

versus

GOVT. OF NCT OF DELHI AND OTHERS.....Respondent

Through: Mr. Nitesh Kumar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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23.02.2026

1. Three contempt petitions were filed alleging wilful defiance of the common order dated 01.012.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter 'Tribunal') in OA No. 3096/2018, OA No. 3546/2018, OA No.



932/2017 and OA No. 3491/2022. Vide the common order dated 01.12.2023 in the above O.A.s, the following observations were made:

“10. Considering what has been elaborately is stated above, we are of the opinion that the proceedings initiated against the applicants have been done in contravention to the statutory rules. It is the Chief Secretary, and only the Chief Secretary, who was the competent Disciplinary Authority to initiate the disciplinary proceedings against the applicants. Since there contravention of the statutory provisions of the rules is stark, we do not deem it necessary to go into the rest of the merits of the case.

11. The OA stands allowed and the impugned orders stand quashed and set aside. As an outcome of these directions, the applicants shall be entitled to all the consequential benefits as would accrue. The Competent Authority amongst the respondents shall ensure that these directions are complied with within a period of eight weeks from the date of receipt of copy of this order. Pending MA, if any, shall also stand disposed of accordingly. However, since we have not looked into specific charges against the applicants nor into the inquiry report and further not even at the orders passed by the various authorities for the reasons already stated above, the respondents shall be at liberty to take appropriate steps, if required, in accordance with law and relevant rules. But we make it clear that this liberty shall not be available in the case of Udal Singh vs. GNCTD in OA No. 932/2017 on account of the fact that this applicant has since long retired on attaining the age of superannuation.”

2. The Contempt petitions bearing CP No. 203/2024 (in OA No. 3096/2018) and CP No. 269/2025 (in OA No. 3546/2018) had been closed with the following observations: -

*“11. We are of the considered view that correctness of the two orders, i.e., one for suspension of the petitioner and another for inquiry in respect of the petitioner, cannot be looked into in the present CPs. In this regard, we may draw support from the law laid down by the Hon’ble Apex Court in the case of **J.S. Parihar Vs. Ganpat Duggar and others AIR 1997 Supreme Court 113**, the relevant para of which reads as under:-*

“The question is: whether an appeal against the directions issued by the learned single Judge is



maintainable under Section 19 of the Act? Section 19 of the Act envisages that "an appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt where the order or decision is that of a single Judge, to a bench of not less than two Judges of the Court." Therefore, an appeal would lie under Section 19 when an order in exercise of the jurisdiction of the High Court punishing the contemner has been passed. In this case, the finding was that the respondents had not willfully disobeyed the order. So, there is no order punishing the respondent for violation of the orders of the High Court. Accordingly, an appeal under Section 19 would not lie.

The question then is: whether the Division Bench was right in setting aside the direction issued by the learned single Judge to redraw the seniority list. It is contended by Mr. S.K. Jain, learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision take by the Government in preparation of the seniority list in the light of the law laid down by three benches, the learned Judge cannot come to a conclusion whether or not the respondent had willfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2.7.1991. Subsequently promotions came to be made.

The question is: whether seniority list is open to review in the contempt proceedings to find out, whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the willful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division



Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the single Judge, the Division Bench corrected the mistake committed by the learned single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned single Judge when the matter was already seized of the Division Bench.

The appeals are accordingly dismissed. It may be open to the aggrieved party to assail the correctness of the seniority list prepared by the State Government, if it is not in conformity with the directions issued by the High Court, if they so advised, in an appropriate forum. No costs.”

12. In the light of the aforesaid, the captioned CPs are closed. Notices are discharged. However, the petitioner shall be at liberty to agitate the surviving grievances in accordance with law, if he is so advised.”

3. The contempt proceedings arising out of CP No. 238/2024 (in OA No. 3491/2022) were also closed with similar observations in accordance with the law laid down in **J.S. Parihar** (supra).

4. Learned counsel representing the Petitioner submits that the contempt proceedings have been closed without considering that the Respondent could not have put the Petitioners under suspension for further inquiry, when the charge memo, the inquiry report and consequent order of Disciplinary Authority have already been quashed. Rather, further disciplinary inquiry itself could not have been ordered against the Petitioner under a non-existent charge-sheet.

5. Be that as it may, the Petitioners, if so advised, may file a fresh O.A. to challenge further inquiry initiated against them, however, jurisdiction under the contempt of Court cannot be invoked to examine the legality of the order passed by the Court placing the Petitioner under suspension and for further inquiry.

6. Hence, no ground to interfere with the order passed by CAT is



made out.

7. The petitions are, therefore, dismissed.

8. A photocopy of the Order passed today be kept in the connected matter(s).

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

FEBRUARY 23, 2026
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