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

+ **CONT.CAS(C) 389/2017 & CM APPL. 19361/2017**

NARANJAN SINGH & ORS

.....Petitioners

Through: Ms. Amita Gupta & Mr. Aayush
Gupta, Advs.

versus

YOGENDRA TRIPATHI & ANR

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

04.02.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act seeks the following prayers:-

“ It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to punish Respondents for willfully disobeying orders dated 2.05.2017 passed by this Hon'ble Court in W.P (C) No. 1463 of 2017 by employing workers through Contractor in place of petitioners at Rail-head Depots of Sangrur .

Pass such other and further orders as deemed fit and proper on facts of the case.”

3. *Vide* order 02.05.2017, the learned Single Judge of this Court passed the following order:-

“C.M. 12247/2017 (u/S 151 CPC)

Delay of one day in filing the counter affidavit is condoned for the reasons stated in the application. The counter affidavit filed



by respondent No.2 is taken on record. Application is disposed of.

W.P.(C) 1463/2017 85 C.M. 6692/2017 (for stay)

In view of orders passed in C.M. 12247/2017, counter affidavit filed by respondent No.2 is taken on record.

Petitioner's counsel seeks time to file rejoinder to counter affidavit filed by respondent No.4. On the oral request of counsel for petitioner. Ministry of Consumer Affairs is impleaded as respondent in this petition. Amended Memo of Parties be filed by petitioner within a week. Counsel for respondent No.1 seeks time to obtain instructions as to whether he is appearing on behalf of newly added respondent or not. List on 21st September, 2017. Till then, status quo as of today regarding service of petitioners to prevail.”

4. Additional counter affidavit dated 02.05.2025 on behalf of respondent no.2 has been placed on record wherein it has been stated as under:-

“3. That the Petitioners had preferred the Writ Petition(C) No.1463/2017, assailing therein the Notification dated 06.07.2016 issued by the Ministry of Labour and Employment, Gol, (Exemption Notification) and had made the following prayers in said writ petition:-

“It is, therefore, most respectfully prayed that this Hon’ble Court be pleased to quash

(i) Notification dated 6th July, 2016 issued by Ministry of Labour and Employment, Government of India.

(ii) Guidelines dated 12.7.2016 and 18.8.16 issued by Respondent No.2.

Pass such other and further orders as deemed fit and proper on facts of the case.”

4. That the Petitioners had also filed a CM Application No.6692/2017 accompanying the said writ petition praying for stay of the aforesaid Notification and the prayer made in the said application reads as under:-

“It is, therefore, most respectfully prayed that this Hon’ble Court be pleased to stay the operation of Notification dated 6th July, 2016 of Respondent No.1, Guidelines dated



12th, July, 2016 and 10.08.2016 of Respondent No.2 and further stay the employment of workers on contract system."

It is relevant to submit that no stay against the operation of the Notification dated 06.07.2016 was granted by the Hon'ble Court.

5. That the aforesaid Notification dated 06.07.2016 (Exemption Notification) was issued by the appropriate Government/Competent Authority in exercise of its powers conferred by Section 31 of the Contract Labour (Regulations & Abolition) Act, 1970 whereby certain godowns/ depots/railheads of Food Corporation of India were exempted from the applicability of Notifications of the GoI issued from time-to-time in the past under Section 10 of the CL(R&A) Act, 1970 prohibiting engagement of contract labour in the notified depots/railheads/godowns. The said Exemption Notification was for a period of two years only and the Notification dated 06.07.2016 has already lapsed in July, 2018 by efflux of time.

6. That the Hon'ble Court passed an interim order in aforementioned writ petition on 02.05.2017 directing "till then, status quo as of today regarding service of Petitioners to prevail" (Annexure A to Contempt Petition). The said exemption Notification dated 06.07.2016 pertained to the depots/ godowns/railheads of FCI already notified under Section 10 of the CL(R&A) Act. 1970 and is relatable to Petitioners. The depot/railhead at FCI Sangrur (Punjab) has never been notified under Section 10 of the CL(R&A) Act. 1970. Therefore, there has been no impediment/ restriction/prohibition in engaging Contract I landling Labour through licensed Handling and Transport Contractor in non-notified depot of FCI.

7. That the Petitioners not satisfied with the interim order dated 02.05.2017, had subsequently filed an application (CM No.29245/2017) for clarification of the interim order dated 02.05.2017. Said application vide order dated 09.01.2019 was directed for hearing before the same Bench who passed the interim order dated 02.05.2017. The modification/clarification of the order dated 02.05.2017 sought by Petitioners was however, not allowed by the Hon'ble Court on 04.02.2019 and the said



application was disposed off accordingly in terms of the order dated 04.02.2019. A copy of the orders dated 09.01.2019 and 04.02.2019 passed in the W.P.(C) No.1463/2017 are filed hereto as **Annexure R/9 collectively**.

8. That thereafter the writ petition No.1463/2017 and the CM Application No.6682/2017, filed accompanying the writ petition, were heard by this Hon'ble Court on 04.04.2019. The writ petition and the application were disposed off in view of the statements made by the Petitioners that their grievance stand satisfied and nothing survives for adjudication in the writ petition. It is pertinent to mention that the Petitioners have willfully and conveniently not brought to the notice of the Hon'ble Court about the disposal of the writ petition in terms of the order dated 04.04.2019 and have willfully attempted to mislead the Hon'ble Court by travelling beyond the relief prayed in the writ petition and the scope of the contempt petition as well.

It is submitted that the instant contempt petition no longer survives, and in fact, has become infructuous as the Hon'ble Court has categorically observed in the order dated 04.04.2019 that **"nothing survives for adjudication in the writ petition"** and the said position was duly accepted by the Petitioners and recorded in the order dated 04.04.2019. The contention made in the written submissions (Index dated 13.09.2023) filed by the Petitioners and the submissions made by Petitioners on 09.10.2024 in the instant contempt case are unfair, unjustified, unwarranted, deliberate, motivated, misdirected, misplaced and beyond the scope of the writ petition/interim order. The attempt of the Petitioners is apparently to digress from the centrality of the issue, which stands already decided on 04.04.2019 and accepted by Petitioners. Petitioners have willfully made misleading and misconceived contentions.

9. That the services of Petitioners have remained protected and Petitioners have completely failed to substantiate their contentions. Perusal of the contempt petition would show that it is not their case that services of any of the Petitioners have been terminated due to implementation of the exemption notification dated 06.07.2016 issued by the competent authority in exercise of powers under Section 31 of the CL(R&A) Act, 1970.



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11. That it is submitted that on expiry of contractual tenure of the Handling Transport Contractor, Shri Gurbachan Singh, for railhead at Sangrur, another licensed Handling Contractor, Shri Jashwant Rai S/o Shri Hari Rai, was appointed through e-tendering process and on completion of his contractual tenure in terms of the e-tender, another licensed Handling Transport Contractor, M/s. Hansraj & Co. was appointed in terms of the fresh e-tender dated 14.05.2020, whose tenure ended on 25.05.2024. Thereafter another licensed Handling Transport Contractor, Shri Sandeep Virk, Proprietor of M/s. Sandeep Transport Co., was appointed as Handling Transport Contractor following the e-tender process and upon expiry of his contractual tenure, another licensed Handling Transport Contractor, Shri Jagjiwan Pal Singh & Co., was appointed for the railhead at Sangrur following the e-tender process dated 26.04.2024 and said Handling Contractor joined on 30.08.2024 and is presently continuing in terms of the e-tender. It is relevant to submit that e-tendering process floated/invited by FCI for appointment of Handling and Transport Contractor issued from time-to-time relating to the railhead, Sangrur challenged in Court of law. Further, it is submitted that reference to the Memorandum of Understanding (Annexure B) dated 12.07.1993 by Petitioners is willful, misplaced, misdirected and it does not specifically prohibit deployment of contract labour in the railhead, Sangrur. The alleged violation of the MoU dated 12.07.1993 (Annexure B) cannot be allowed to be agitated in the present forum and scope of the contempt petition cannot be allowed to be unduly stretched by Petitioners by illusory and unjustified cause.”

5. The main writ petition i.e. W.P.(C) 1463/2017 has been disposed of by the learned Single Judge of this Court *vide* order dated 04.04.2019 by making following observations:-

3. Learned counsel appearing for the Food Corporation of India relying on the aforementioned statement states that the impugned notification has not been implemented as against the petitioner's depot and he further points out that the notification dated



06.07.2016 was in operation only for a period of two years which has also lapsed. Although an extension has been notified by the Government of India by a further notification dated 26.06.2018, that notification is not under challenge in these proceedings.

4. Learned counsel for the petitioner states that the petitioner's grievance will be satisfied by recording the above statement of the Corporation. In this view of the matter, nothing survives for adjudication in the writ petition.

5. The petitioner will be at liberty to challenge the further notification dated 26.06.2018, if so advised."

6. It is not the case of the petitioners that their service conditions had changed during the pendency of the interim order of *status quo* granted by learned Single Judge of this Court *vide* order dated 02.05.2017.

7. It is also pertinent to note that the notification, which has been challenged, had not been stayed during the pendency of the said writ petition.

8. In view of the above, learned counsel for the petitioners does not press the present petition but seeks liberty to initiate appropriate proceedings with respect to alleged action on behalf of the respondents.

9. Needless to state, the petitioners will be at liberty to initiate appropriate proceedings in accordance with law, if any available before the court of competent jurisdiction.

10. The present petition stands disposed of as not pressed.

11. Pending application(s), if any, also stand disposed of.

12. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 4, 2026/nk/sg