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

+ W.P.(C) 6573/2017

VINOD KUMAR & ORS

.....Petitioners

Through: Dr. Ashwani Bhardwaj,  
Advocate.

versus

BIMAL JULKA & ORS

.....Respondents

Through: Mr. S.M. Arif and Ms. Shabnam  
Perween, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**27.01.2026**

1. This Writ petition is filed by the Petitioners challenging the order dated 10.03.2016 (hereinafter referred to as '**impugned order**'), passed by learned Central Administrative Tribunal, Principal Bench, New Delhi in C.P. No. 357/2015 in O.A. No. 2591/2013.

2. By the impugned order, the learned Tribunal, after considering all aspects of the matter, had refused to proceed with the contempt petition. Paragraph 9 of the impugned order reads as under:

*"9. It is to be seen that this Tribunal disposed of the OA No. 2591/2013, summarily and without going into the merits of the case and that the Hon'ble High Court of Patna while disposing of the CWJC No. 6451/2010 (supra) also observed that the direction should only be to consider the cases of the applicants but not to grant the same, without examining each case on its own merits."*

3. It is pertinent to note that in similar circumstances, another petition was disposed of by this Court on 21.02.2017 [being W.P. (C) 6599/2016] while refusing to continue with the contempt proceedings,



which read as under:

“ Having heard learned counsel for the petitioners, we are not inclined to interfere with the impugned order dated 19.04.2016 passed by the Principal Bench of the Central Administrative Tribunal (‘Tribunal’ for short) in C.P. No.443/2015 in OA No. 4191/2013, titled *Anil Kumar Sharma & Ors. Vs. Bimal Julka & Anr.*

The order under challenge holds that there was substantial compliance and the petitioners', if aggrieved, could challenge the orders passed in accordance with law.

2. The Tribunal disposing of OA No. 4191/2013 vide dated 28.01.2015, had directed the authorities to extend the benefit as extended by the Patna Bench of the Tribunal in OA No. 514/2002 in *Akashwani & Doordarshan Diploma Engineers Association through its President Vs. UOI & Ors.*

3. The operative portion of the order dated 07.09.2009 passed by the Patna Bench of the Central Administrative Tribunal in OA No. 514/2002 reads as under:-

“9. This O.A. is, therefore, allowed. The respondents are directed to grant the applicants the pay scale of Rs.8000-13500 as and when they have completed 12 years service in the pay scale of Rs.6500-10500. The arrears should also be paid to the applicants. The respondents are directed to issue orders regarding ACP promotion to the applicants within a period of two months from the date of receipt of a copy of this judgment. The arrears may be calculated and paid to them within one month thereafter.

10. With these directions, this O.A. stands disposed. No costs.”

4. This order dated 07.09.2009 passed by the Patna Bench of the Central Administrative Tribunal in OA No.514/2002 was made the subject-matter of challenge before the Patna High Court in CWJC No. 6451/2010 titled *The Union of India & Ors. v. Akashwani and Doordarshan Diploma Engineers” Association*. This writ petition was disposed of vide order dated 25.08.2010, observing that there was substance in the submission made by the Union of India and that general directions should not have been issued to cover cases of all individuals because each case requires consideration under the ACP Scheme. The Union of India was directed to consider grant of benefit under the ACP Scheme to the applicants before the Tribunal in OA No.514/2002 within a period of three months in accordance with law and subject to the observations made in the said decision.

5. The case of the respondents is that they have considered each individual case and thereafter passed the speaking orders dated 13.10.2015 denying the claim of the petitioners.

6. We agree with the Tribunal that the petitioners cannot challenge the orders dated 13.10.2015 in the contempt proceedings. The scope and ambit of contempt proceedings is limited and restrict to question of



*implementation and wilful disobedience. The petitioners have been granted liberty to file a fresh OA, challenging the order dated 13.10.2015. They may rely on perceived relevant orders and judgments in support of their contention.*

*7. We are not inclined to make any observations on merit.*

*8. It is open to the petitioner to challenge the order dated 13.10.2015 by way of an independent original application.*

*9. At this stage, learned counsel for the petitioner submits that the petitioners were bona fide pursuing contempt proceedings as per advice received. He submits that a fresh original application would be barred by limitation and prays for suitable directions. We accept the prayer made by the counsel for the petitioners and grant the petitioners liberty to file a fresh original application within one month and on the same being filed, the original application will not be dismissed on the ground of limitation.*

*10. The writ petition is disposed of. There will be no order as to costs."*

4. The learned counsel representing the Petitioners admit that a speaking order was passed on 13.10.2015, pursuant to the directions issued by the learned Tribunal by an *ex-parte* order which is now subject matter of challenge before the learned Tribunal in O.A. No. 984/2017. Admittedly, the said speaking order was also subject matter of consideration before this Court in W.P.(C) 6599/2016.

5. Initiation and continuation of contempt proceedings is a discretion conferred on the Court and the Petitioners cannot compel the Court to continue with the contempt proceedings. In this case, a significantly large number of petitions are being filed by the employees seeking financial upgradation. The order passed by the Petitioners pursuant to the direction given by the learned Tribunal in subject O.A. No. 2591/2013 is already pending consideration before the learned Tribunal.

6. Hence, this Bench is not inclined to take a different view from the view taken by this Court *vide* order dated 21.02.2017 passed in W.P. (C) 6599/2016.

7. The petition is accordingly dismissed.



8. Needless to observe, the learned Tribunal will proceed to decide the matter afresh, uninfluenced by the observations made in the impugned order and the order passed by this Court.

**ANIL KSHETARPAL, J**

**AMIT MAHAJAN, J**

**JANUARY 27, 2026**

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