



2026:DHC:8021-DB



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

CNR No. DLHC011498862013

+ **W.P.(C) 7180/2013**

YOGESH KUMAR

.....Petitioner

Through: Mr. Rajat Aneja, Sr. Adv. with
Ms. Kaanchi Ahuja, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORSRespondents

Through: Mr. Yeeshu Jain, ASC, Mr.
Jyoti Tyagi, Mr. Shubham Tanwar, Mr.
Aniket Chauhan and Mr. Riddhi Jain, Adv.
Mr. Ravinder Agarwal, Mr. Manish Kumar
Singh and Mr. Vasu Agarwal, Adv. for
UPSC
Ms. Pearl Sharma, Adv. for AICTE

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **15.09.2026**

C. HARI SHANKAR, J.

1. This writ petition is directed against an order dated 4 September 2013 passed by the Central Administrative Tribunal¹ in CP 845/2012 in OA 3620/2011. We deem it appropriate to reproduce the order in its entirety thus:

“This Contempt Petition has been filed for alleged

¹ “the Tribunal”, hereinafter.



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non implementation of our orders dated 22.05.2012 in OA-3620/2011. The operative part of the said order reads as follows:-

1. We have heard the learned counsel for the parties. The learned counsel for the applicant has submitted that in view of the aforesaid reply filed by the respondent No.5 UPSC, the denial of consideration of the applicant for promotion for the vacancy year 2011-2012 was arbitrary and illegal. We also agree with the aforesaid submission of the learned counsel for the applicant. The respondents Nos. 1 to 4 should have verified the eligibility of the applicant with regard to his educational qualification for promotion during the vacancy year 2011-2012. We, therefore, direct the respondents to verify the factual position regarding the eligibility of the applicant for promotion during the vacancy year 2011-2012 and if he is found eligible, his name shall be forwarded to the UPSC to hold a Review DPC meeting for the aforesaid vacancy year, if the DPC Meeting has already been held. In the Review DPC, if the applicant is found suitable for promotion, he shall be so promoted and in that case the applicant will be entitled for all the consequential benefits vis-a-vis, his batch mates, except back wages. The aforesaid directions shall be complied with within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

2. The respondents have filed their reply in which they have stated that the directions of this Tribunal were to consider Sh. Shiv Kumar for promotion as Foreman Instructor against the vacancy panel of 2011-12 in case he is found to be eligible. Accordingly, the case of Sh. Shiv Kumar was considered and a review DPC was held in UPSC on 09.11.2012. Sh. Shiv Kumar was found fit and recommended for promotion against unreserved vacancy. However, before he could be promoted directions of this Tribunal were received in OA-3800/2012 filed by Sh. Yogesh Kumar to keep one post of Foreman Instructor vacant till further orders are passed in that case. The respondents have stated that since only one post was available against which Sh. Shiv Kumar could have been promoted and since that was to be kept vacant as per orders of the Tribunal, Sh. Shiv Kumar could not be promoted and orders of the Tribunal in OA-3620/2011 could not be implemented.

3. In view of the reply filed by the respondents we had decided to consider this Contempt Petition along with OA-3800/2012. This O.A. has now been dismissed by our separate order dated 04.09.2013. Accordingly, we now direct the respondents to implement our order dated 22.05.2012 in this case without any further delay. With these directions, the Contempt



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Petition is closed. Notices issued to the alleged contemnors are discharged. However, the petitioner will be at liberty to revive these proceedings, if so advised, in case of delay or non-implementation of our order.”

2. To our mind, the Tribunal has far exceeded its jurisdiction as a contempt court while passing the impugned order. The jurisdiction of a contempt court, dealing with civil contempt proceedings, is restricted to determining whether there is contumacious and willful disobedience of any direction passed by the Court. *Every disobedience, it is also settled, is not contempt, unless it is contumacious or willful.* It would be for the court, in such circumstances, to provide an opportunity to the alleged contemnor to purge the contempt, if it so deems appropriate. If, nonetheless, the contempt persists, punishment must follow.

3. The UPSC had, in the proceedings in CP 845/2012, specifically pointed out that its inability to comply with the order passed by the Tribunal was owing to an injunctive order passed by the Tribunal in OA 3800/2012.

4. In that view of the matter, *prima facie*, there was no contumacious or willful disobedience. *The Tribunal has also not found that there was any contumacious or willful disobedience of its order.* To our mind, the matter should have rested there and the notices of contempt ought to have been discharged.

5. Instead, the Tribunal has adopted a procedure which, with respect, is unknown to law. It has clubbed the Contempt Petition with OA 3800/2012, which was filed by the petitioner. It proceeded to



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dismiss the OA and, on the same day, passed an order stating that, as the OA has been dismissed, the respondent was required to comply with its earlier order dated 22 May 2012.

6. We may note that the judgment dated 4 September 2013 of the Tribunal in OA 3620/2011 is also subject matter of challenge before us in WP (C) 7234/2013 which is listed today and which we are hearing separately.

7. Be that as it may, once the explanation of the UPSC for not complying with the directions of the Tribunal was found to be justified, there could be no question of further proceeding with the contempt proceedings. Directions to implement the orders separately passed by the Tribunal in OA 3800/2012 could not have been passed in contempt proceedings. This is all the more so as the petitioner, who was the applicant in OA 3800/2012 and who was, therefore, vitally affected by the dismissal of the said OA by the Tribunal, was not even a party in the contempt proceedings.

8. We, therefore, set aside the impugned order dated 4 September 2013 passed by the Tribunal in CP 845/2012.

9. In view of the fact that the UPSC had not implemented the order of the Tribunal only because of the interim orders passed in the OA 3800/2012, it is clear that no contumacious or willful disobedience could be laid at its door. No case for continuing with the contempt proceedings, therefore, existed. The notice issued by the Tribunal in CP 845/2012 would, therefore, deemed to have been



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discharged.

10. The writ petition stands allowed in the aforesaid terms.

C. HARI SHANKAR, J

VINOD KUMAR, J

SEPTEMBER 15, 2026/ss/AR

Signature Not Verified

Digitally Signed By: AWP.(C) 7180/2013
KUMAR
Signing Date: 21.09.2026
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