



2026:DHC:8193-DB



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

CNR No. DLHC010449532026

+ **W.P.(C) 13810/2026 & CM APPLs. 64656-657/2026**

GOVERNMENT OF NCT OF DELHIPetitioner

Through: Mr. Gaurav Dhingra & Mr.
Shashank Singh, Adv.

versus

RAM NIWASRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

ORDER (ORAL)

% **21.09.2026**

C. HARI SHANKAR, J.

1. This writ petition assails orders dated 15 July 2026 and 18 August 2026, passed by the Central Administrative Tribunal¹ in CP/625/2025.

2. CP/625/2025 was preferred by the respondent, alleging contumacious and wilful disobedience of order dated 22 January 2025 of the Tribunal in OA 4108 of 2015, which concluded with the following directions:

“6 The only contention of the learned counsel for the respondents is that there is no intimation qua his educational

Signature Not Verified ¹ “the Tribunal”, hereinafter

Digitally Signed By: AWP.(C) 13810/2026
KUMAR
Signing Date: 23.09.2026
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qualification: Therefore, the applicant was not accorded the 1st ACP. However, he does not dispute the fact that the promotional order was passed subsequently on 23.11.2021, as already highlighted above, called for a higher qualification as per the RRs. It is further observed that the impugned order so passed is a cryptic and a non-speaking order where the reasons are put forth in the counter affidavit. There is no iota of mention with regard to the same.

7 Going by the records of the case as produced by the counsel for the applicant and not denied by the respondents qua the applicant's educational qualification, coupled with the fact that the promotional order to Laboratory Assistant has been accorded. The reason assigned thereto for not granting financial up-gradation under the ACT scheme cannot be accepted. The cryptic and unreasoned order is liable to be quashed and set aside.

8 In view of the same, the respondents are directed to revisit and re-examine the case of the applicant in light of the educational qualifications of the applicant and pass appropriate consequential order for grant of the corresponding pay scale as the first financial up-gradation under the ACP Scheme w.e.f. 15.09.2001. The applicant is entitled to notional fixation of pay. Keeping in view that the present OA is preferred in the year 2015 and during the pendency of the OA, the applicant has already attained the age of superannuation. Therefore, the arrears thereto shall be restricted to three years prior from the date of filing of the O.A. The aforesaid exercise shall be carried out within a period of three months from the date of receipt of a certified copy of this order.”

3. Alleging that the aforesaid directions have not been complied with, the applicant in the OA, i.e. the respondent before us, instituted CP/625/2025 for proceeding against the respondent in contempt.

4. The said Contempt Petition is presently pending, and no conclusive findings have been returned by the Tribunal as yet.

5. This writ petition assails the following orders passed by the Tribunal in CP/625/2025:



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“Order of the Tribunal dated 15 July 2026

“Order of The Tribunal

Amended memo of parties has been filed by learned counsel for the applicant. The same is taken on record.

Learned counsel for the applicant submits that the respondents have not complied with the order of this Tribunal its true letter and spirit. According to the applicant, the respondents have virtually sought to overreach the directions issued by this Tribunal.

2 Learned counsel for the respondents submits that a status report/compliance affidavit has been filed and that the directions passed by this Tribunal stand complied with.

3 We have considered the rival submissions. Prima facie, the status report cannot be treated as complete compliance of the directions of this Tribunal.

4 As a last opportunity, the respondents are granted four weeks' time to take appropriate steps in terms of the order dated 27.03.2026 and to place a proper compliance affidavit on record.

5 It is made clear that in the event of failure to comply with the aforesaid directions, this Tribunal shall be constrained to direct the personal appearance of the concerned responsible officer(s) on the next date of hearing.

6 List the matter on 17.08.2026.”

Order of the Tribunal dated 18 August 2026

“Order of The Tribunal

Mr. Cott. Vunga (DDE-EIV) and Mr. Anil Kumar (DDE-SW), the concerned officials, are present before us today. They assure the Tribunal that the respondents shall comply with the order of this Tribunal within a period of four weeks.



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We make it clear that, in the event the order of this Tribunal is not complied with within the aforesaid period, Mr. Cott. Vunga (DDE-EIV) and Mr. Anil Kumar (DDE-SW) shall remain personally present before the Tribunal on the next date of hearing to explain the non-compliance.

The purport and effect of the order passed today has been explained by learned counsel for the respondents to the concerned officials in our presence.

Re-notify on 21.09.2026.”

6. We have our doubts as to whether the present Writ Petition is even maintainable in the face of the aforesaid order.

7. The order dated 15 July 2026 has taken note of the status report filed by the petitioner (as the respondent/alleged contemnor before the Tribunal) and has, no doubt, recorded a finding that the status report did not disclose complete compliance with the directions issued by the Tribunal.

8. The petitioner was, therefore, granted further opportunity to comply with the directions issued by the Tribunal.

9. On 18 August 2026, the petitioner was represented by two learned Counsel and two officers. The officers appeared before the Tribunal and specifically assured the Tribunal that the order passed by the Tribunal would be complied with within a period of four weeks.

10. In these circumstances, we fail to understand how we can interfere with the orders passed by the Tribunal in exercise of the certiorari jurisdiction vested in us by Article 226 of the Constitution of India.



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11. Though Mr. Dhingra has sought to submit that the statement given by the officers on 18 August 2026 might probably have been because they have been personally summoned by the Tribunal, we also note that the petitioner was represented by two learned Counsel on the said date.

12. In that view of the matter, we decline to interfere with the present petition.

13. The writ petition is accordingly dismissed.

14. However, we clarify that our order should not be treated as any expression of opinion on the merits of the contempt petition, regarding which the Tribunal would be at liberty to take an appropriate view in accordance with law.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

SEPTEMBER 21, 2026/yg