



2026:DHC:8262



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 24.09.2026.**# **CNR No. DLHC010247502020**+ **CONT.CAS(C) 529/2020****DR. NARESH KUMAR**

.....Petitioner

Through: **Ms. Nikhil Palli, Advocate.**

versus

SHRI AJAY KUMAR BHALLA & ORS.RespondentsThrough: **Mr. Rakesh Kumar, SPC with
Mr. Sunil, Adv. along with
Inspector Abhishek (BSF).****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, 1950, alleging wilful disobedience of the **Order dated 16.01.2020¹** passed by this Court, and in particular, paragraph no. 25 thereof.

2. Learned counsel appearing on behalf of the Petitioner submits that the Subject Order has not been complied with. It is contended that the Petitioner has not been considered for promotion to the post of DIG, which, according to learned counsel, falls within the ambit of the directions issued by this Court, particularly those contained in paragraph no. 25 of the said order. The relevant portion thereof reads as under:



“25. As a result, the Respondents are directed to convene a Review DPC to consider the Petitioner's case for promotion as CMO (OG) under the DACP Scheme and pass all consequential orders, including granting such promotion, if he is found fit, notionally from the date that it was due to him, without the benefit of arrears of pay. The above steps be completed within a period of twelve weeks.”

3. **Per contra**, learned counsel appearing on behalf of the Respondents submits that the aforesaid directions have, in fact, been duly complied with.

4. It is submitted that the Petitioner was not only promoted to the post of CMO (OG) under the DACP Scheme, but was thereafter also promoted to the post of CMO (SG).

5. Learned counsel relies upon the Order dated 08.05.2024 passed by the **Ministry of Home Affairs**², forming part of the Additional Affidavit dated 09.04.2026, filed on behalf of the Respondent, in support of the aforesaid submission.

6. This Court has heard the learned counsel appearing on behalf of the parties and perused the material placed on record, including the Subject Order.

7. The controversy, in the present proceedings, is a narrow one and turns upon the scope and extent of the directions contained in paragraph no. 25 of the Subject Order.

8. A plain reading of paragraph no. 25 makes it evident that the direction issued by this Court was to convene a Review DPC for considering the Petitioner's case for promotion as CMO (OG) under the DACP Scheme and, upon such consideration, to pass all consequential orders, including promotion, if the Petitioner was found

¹ Subject Order

² MHA



fit. The direction was thus specifically confined to the Petitioner's consideration for promotion to the post of CMO (OG).

9. The material placed before this Court, including the Order dated 08.05.2024 passed by the MHA, demonstrates that the Petitioner has, in fact, been promoted to the post of CMO (OG) under the DACP Scheme and has thereafter also been promoted to the post of CMO (SG).

10. The grievance now sought to be raised by the Petitioner pertains to his non-consideration for promotion to the post of DIG. However, such relief does not form part of the directions issued by this Court in paragraph no. 25 of the Subject Order.

11. This Court is of the considered view that the scope of the present contempt proceedings cannot be enlarged beyond the specific directions contained in the order alleged to have been violated.

12. The question before this Court is confined to examining whether the Respondents have complied with the directions actually issued by the Court, and not whether any further or subsequent relief ought to have been granted to the Petitioner.

13. In the present case, the direction contained in paragraph no. 25 was specifically with respect to consideration of the Petitioner's case for promotion as CMO (OG). As noticed hereinabove, the said direction has been acted upon, and the Petitioner has, in fact, been promoted to the post of CMO (OG), followed subsequently by his promotion to CMO (SG).

14. In view of the aforesaid, this Court is of the view that the Subject Order, insofar as the directions contained in paragraph no. 25 thereof are concerned, stands duly complied with. The attempt on the part of the Petitioner to extend the scope of the said directions so as to



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encompass his subsequent claim for promotion cannot be accepted in the present proceedings.

15. Accordingly, the present Petition stands dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 24, 2026/Pa/jk