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

Date of decision: 11.08.2026

CNR No. DLHC010244482019

+ **CONT.CAS(C) 482/2019**

HARANANDA

.....Petitioner

Through: Mr. S.S. Pandey, Mr. H.S. Tiwari, Mr. Roshan Kumar, Ms. Garima Singh & Ms. Nandita Lal, Advocates.

versus

V.K. YADAV & ANR

.....Respondents

Through: Ms. Arunima Dwivedi, CGSC with Ms. Himanshi Singh & Ms. Monalisha Pradhan, Advocates.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

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JUDGEMENT (Oral)

1. The present Contempt Petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 and Rules framed thereunder read with Article 215 of the Constitution of India, 1950 seeking the following reliefs:

“(a) Initiate contempt proceedings for willful, deliberate and contemptuous disobedience of solemn order dated 04.12.2012 in WP (Civil) No. 6314 of 2012 as affirmed by Hon'ble Supreme Court vide judgment dated 05.02.2019 in Civil Appeal No. 1474 (arising out of SLP (Civil) No. 12393 of 2013.

(b) Issue any other/further direction as this Hon'ble Court may deem fit in the facts and circumstances of the case.”



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2. The Petitioner herein has been litigating for a considerable period of time in an endeavour to secure enforcement of his rights in terms of the previous Orders passed by this Court. The continued apathy on the part of the Respondents is a matter of serious concern to this Court.

3. Even today, an Affidavit dated 29.07.2026 has been filed on behalf of the Respondents wherein it is sought to be explained that the directions passed on 04.12.2012 [**“said directions”**] by this Court could not be complied with on account of the pendency of proceedings before a Larger Bench of this Court, wherein certain Rules governing the Railway Protection Force [**“RPF”**] are stated to be under challenge. The challenge in the said proceedings is to Rules 54(1)(c), 76 and 277 of the Railway Protection Force Rules, 1987, insofar as the said Rules permit the deputation of officers of the Indian Police Service [**“IPS”**] to the RPF.

4. Learned counsel for the Respondents relies upon the Reference Order dated 21.08.2017, pursuant to which the challenge raised in the said proceedings came to be referred for consideration by a Larger Bench of this Court.

5. Learned counsel for the Respondents submits that the pendency of the said proceedings is highly relevant and crucial for the purpose of undertaking the Cadre Review/Restructuring Exercise, since, in the event the challenge in the said proceedings were to be allowed, the Respondents would necessarily have to take into account the possibility of IPS officers forming part of the cadre structure of the RPF.



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6. Learned counsel for the Respondents, therefore, submits that until the said proceedings are decided, it would not be possible for the Respondents to undertake the Cadre Review/Restructuring Exercise in terms of the said directions.

7. **Per contra**, Mr. Sudhanshu Pandey, learned counsel appearing on behalf of the Petitioner, submits that the Recruitment Rules, as they presently stand, do not provide for appointment to any post by way of deputation.

8. Learned counsel for the Petitioner further submits that, even if the submission advanced by the learned counsel on behalf of the Respondents were to be accepted, the same would amount to pre-empting an exercise which is required to be undertaken at the present stage, on the basis of a contingency which may or may not arise in the future, depending upon the outcome of the pending proceedings. He submits that the Respondents cannot seek to defer compliance with the said directions on the basis of a mere possibility of a future eventuality.

9. We find merit in the submission advanced on behalf of the Petitioner. The justification sought to be offered by the Respondents for not undertaking the Cadre Review/Restructuring Exercise is founded upon a contingency which may or may not arise, depending upon the outcome of proceedings which are presently pending before a Larger Bench of this Court.

10. Orders passed by this Court are required to be complied with in their true letter and spirit. The manner in which the Respondents seek to defer such compliance, by relying upon the mere pendency of



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proceedings which, at this stage, cannot be said to have any bearing upon the Cadre Review/Restructuring Exercise directed to be undertaken, is, to say the least, erroneous and wholly unjustified.

11. Prior to the promulgation of the Railway Protection Force Rules, 2020, which constitute the statutory rules having received the assent of the Hon'ble President of India, it cannot be said that no consideration was accorded to the various aspects governing the cadre, including the issue of Cadre Review/Restructuring.

12. The framing of the said Rules would necessarily have involved consideration of all such aspects. It is, therefore, incomprehensible as to why, despite the aforesaid exercise having already been undertaken, there continues to be a reluctance on the part of the Respondents to carry out the Cadre Review/Restructuring in the spirit in which it is required to be effected.

13. While it is correct that some exercise pertaining to the Cadre Review/Restructuring appears to have been undertaken by the Respondents, the same appears to have been confined only to the aspect of framing of the Recruitment Rules.

14. The true import and spirit of the said directions passed by this Court, however, was to undertake a comprehensive exercise for reviewing or restructuring the cadre in the context of the RPF being an organised Group 'A' service.

15. It, therefore, appears that the said directions with respect to the Cadre Review/Restructuring and the consequential changes required to be brought about in the cadre structure, keeping in view the status



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of the RPF as an organised Group 'A' service, have not, in fact, been duly complied with.

16. We say so for the reason that, if the aforesaid exercise had been undertaken in terms of the organisational structure applicable to Central Civil Services, the same ought to have conformed to the following tabular representation, as also asserted by the Respondents themselves:

Sr. Scale posts will be upgraded to SAG/DIG and 11 Sr. Scale posts (28% of workcharged posts) will be surrendered/assessed. The restructuring proposal is summarized below:

Posts (Revenue+ Work- charged posts)	Level in Pay Matrix	Existing Strength (As on 1.1.18)			Percent- age of proposed SDP	Proposed increase in posts	Proposed total no. of posts
		Rev	WC	Total			
Apex	L-17	1	0	1	5.5%	0	1
HAG+	L-16	0	0	0		+1	1@
HAG	L-15	1	0	1		+7	8*
SAG	L-14	7	15	22	17.77%	+10	32#
DIG	L-13 A	21	3	24	46.67%	+12	36
SG/JAG	L-12	48	17	65		-17	48
STS	L-11	74	4	78	30%	-24	54
Total Sr. Duty Posts		152	39	191			180
JTS (including Leave Reserve)	L-10	272	0+	272		0	272^
TOTAL		424	39	463		-11	452
Total posts proposed for immediate surrender							11

@ may be filled up by promotion failing which by transfer on deputation.

* 2 HAG posts shall be kept earmarked for IPS & will form part of proposed 8 HAG posts

^ 16 posts of ASC (Prosecution) have been excluded due to formation of a separate Prosecution cadre & 1 post added as an outcome of reconciliation.

CRC vide minutes circulated vide Cabinet Sectt's O.M. dated 08.08.2013 had recommended that 2 posts in HAG and 4 posts in SAG will have to be filled up by IPS officers. However, keeping in view of the fact that RPF has been granted status of Organised service, filling up of 4 posts in SAG by IPS officers as recommended by CRC may be dispensed with. Hon'ble Minister for Railways while approving earlier CoS Note dated 14.06.2019 intimated "Let the matter be referred to DoPT and CRC". Hence the aforesaid issue was also referred to the DoPT/CRC alongwith the CoS Note sent to DoPT on 14.06.2019.

17. A perusal of the aforesaid tabular statement makes it apparent that, although there would be a reduction in the overall number of



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posts, the number of promotional avenues, consistent with the structure applicable to Group 'A' services, would increase from the level of DIG onwards, particularly at the DIG, SAG and HAG+ levels.

18. It is trite that personnel serving in any force look forward to adequate avenues of career progression and promotion. It was, therefore, incumbent upon the Respondents to undertake the Cadre Review/Restructuring Exercise in a timely manner and in terms of the said directions.

19. However, as is evident from the record, the Respondents have, from time to time, sought to justify the delay in compliance by advancing one or the other reason and that there has been an inordinate delay in carrying out the said directions.

20. This Court is, therefore, of the view that there has been a clear non-compliance with the said directions passed by this Court. The affidavit filed today does not satisfactorily explain the continued failure to comply with the said directions.

21. In view of the aforesaid, this Court is of the considered view that the concerned officers are guilty of contempt of Court on account of non-compliance with the directions passed on 04.12.2012 by this Court.

22. At this stage, on instructions from the officers of the Respondents present in Court, learned counsel for the Respondents submits and undertakes that the Cadre Review/Restructuring, in terms of the directions dated 04.12.2012, shall be carried out and completed within a period of three (03) months from today. This Court, however, grants the Respondents four (04) months to do so.



23. In view of the aforesaid undertaking, this Court is presently not proceeding to pass any further directions in respect of the contempt, and is of the view that holding the Respondents bound to their undertaking, the petition can be disposed of with liberty to the Petitioner to approach this Court and seek revival of the present Contempt Petition in the event the aforesaid exercise, in terms of the said directions and the undertaking furnished on behalf of the Respondents, is not carried out within the stipulated period.

24. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J
AUGUST 11, 2026/v/ma