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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of Decision :- 27.04.2026*

+ LPA 232/2025

KUSUM LATA MALIK

.....Appellant

Through: Mr. S. K. Rungta, Sr. Adv. with
Mr. Prashant Singh, Adv.

versus

KIRORI MAL COLLEGE AND ORS

.....Respondents

Through: Dr. Monika Arora, Mr. Subhrodeep
Saha, Mr. Prabhat Kumar, Ms.
Anamika Thakur and Mr. Abhinav
Verma, Advs for R-1/KMC.
Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra and
Ms. Tripta Sharma, Advs for R-
2/University of Delhi.
Mr. Anshuman Sharma, SC with Mr.
Sidhant Thakur, Mr. Kartikey Kumar,
Advs. for R-3/UGC.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****DEVENDRA KUMAR UPADHYAYA, CJ. (ORAL)**

1. This intra-Court appeal has been instituted seeking exception to an order dated 14.02.2025 passed by the learned Single Judge in Contempt Case (C) No. 308/2021, whereby the earlier order passed by the learned



Contempt Judge on 18.12.2024 has been recalled and set aside and the contempt petition has been dismissed.

2. Heard the learned counsel for the parties and perused the records available before us on this appeal .

3. The appellant had instituted Writ Petition (C) No.2496/2008, which was disposed of by the learned Single Judge by means of the order dated 19.01.2018. The operative portion of the said order as contained in paragraph 10 is extracted herein below:-

“10. Consequentially, a mandamus is issued to respondent-College to give the slot of visually handicapped in the year 1998 in the “100 Point Roster” (Annexure R-1) to petitioner as her entitlement to 3% reservation has to essentially relate back to the first available vacancy, which was infact existing in the year 1997. Since petitioner has been erroneously appointed on part-time basis on post of Hindi Lecturer in the year 1997 whereas she should have been appointed against a regular vacancy of Hindi Lecturer, therefore, the relief granted to petitioner is confined to the prayer made in this petition i.e. the seniority of petitioner has to relate back to the year 1998 and not to the year 2001, as has been already granted by respondent-College. All consequential benefits accruing upon grant of 3% reservation to petitioner w.e.f. the year 1998 shall follow. However, it is clarified that the monetary benefits as a consequence of this decision will relate back to the year 1998 and not to three years prior to filing of this writ petition. Such a clarification is made for the reason that when petitioner’s earlier writ petition was disposed of vide order of 22nd November, 2007, liberty was granted to petitioner to claim seniority etc. and all consequential benefits from the year 1998. Since petitioner had filed the earlier writ petition in the year 2001, therefore, all consequential monetary benefits would relate back to period of three years prior to filing of W.P. (C) 1784/2001.”



4. The Respondent No.1, however, instituted the proceedings of LPA 206/2018, which too was disposed of by means of the order dated 10.01.2020, whereby the directions issued by the learned Single Judge *vide* order dated 19.01.2018 were modified by observing that though permanent appointment of the appellant on the post of Lecturer in Hindi at Kirori Mal College would notionally relate back to the year 1998 and her pay would accordingly be fixed on notional basis from 1998, however she would be entitled to actual payment of arrears from 16.04.2001. The Division Bench *vide* the said order dated 10.01.2020 also directed that the appellant would be deemed to have been appointed on a permanent post of Lecturer in Hindi w.e.f. 01.01.1998 and on the said basis her seniority would also be reckoned and her notional pay would be fixed for the purpose of computation of arrears of pay that she may be entitled to from 16.04.2001 onwards. The College was also directed to ensure that the appellant was paid the arrears of pay within eight weeks. The operative portion of the Division Bench order dated 10.01.2020 is embodied in paragraph 13, which reads as under:-

“13. We, therefore, modify the directions issued by the learned Single Judge to the extent that though her permanent appointment would notionally relate back to the year 1998, and her pay would accordingly be fixed on a notional basis from 1998, she would be entitled to actual payment of arrears from 16.04.2001. We also find that the learned Single Judge has not fixed a specific date in the year 1998 from which the Respondent would count her seniority as a permanent Hindi Lecturer. Considering the fact that the Respondent was appointed as a part-time Hindi Lecturer in 1997, we direct that she would be deemed to be appointed on a permanent post of Hindi Lecturer in the Appellant College from 01.01.1998 onwards. On this basis, her seniority would be reckoned and her notional pay would be fixed for the purpose of computation



of arrears of pay that she would be entitled to from 16.04.2001 onwards.”

5. The appellant instituted Contempt Case (C) No. 308/2021 alleging non-compliance of the aforesaid order dated 10.01.2020 passed by the Division Bench of this Court, wherein an order was passed on 18.12.2024 directing the respondent – Delhi University to constitute a Selection Committee which would take appropriate decision.

6. Feeling aggrieved by the said order dated 18.12.2024, the respondent – Delhi University filed C.M. APPL.6694/2025 seeking recall of the said order dated 18.12.2024, which has been decided by the impugned order dated 14.02.2025 by the learned Single Judge, whereby the order dated 18.12.2024 has been recalled and the contempt petition has been dismissed as satisfied. It is this order dated 14.02.2025, which is under challenge before us in this intra-Court appeal.

7. The appellant, in compliance of the order passed by the Division Bench on 10.01.2020 has been assigned her seniority w.e.f. 01.01.1998 and, accordingly, she was promoted as well on the next higher grade namely Lecturer, Senior Scale in the year 2003 reckoning her seniority w.e.f. 01.01.1998. The pay fixation, promotion, payment of gratuity and arrears of salary has also been made to the appellant as directed by the Division Bench *vide* its order dated 10.01.2020.

8. It appears that the contempt petition was still pressed by the appellant only in respect of her promotion to the post of Reader for which, according to learned senior counsel for the appellant, she became eligible on completion of nine years w.e.f. 01.01.1998 i.e. on 01.01.2007 under the



Career Advancement Scheme (CAS). It is also to be noticed that in the meantime the appellant has been appointed on the post of Associate Professor, (the post, which was known as Reader earlier) on Direct Recruitment basis on 12.02.2010. The appellant has further been promoted to the post of Professor and even to the post of Senior Professor thereafter.

9. It has been argued by Mr. S. K. Rungta learned senior counsel for the appellant that since the order passed by the Division Bench on 10.01.2020 as also the order passed by the learned Single Judge on 19.01.2018 held the appellant eligible for all consequential benefits, which would include her promotion under the CAS on the post of Reader as well, to which she became eligible w.e.f. 01.01.2007 and case of the appellant was not considered for her promotion to the post of Reader w.e.f. 01.01.2007, therefore, the judgment passed by learned Single Judge dated 19.01.2018 as modified by the Division Bench *vide* order dated 10.01.2020 has not been complied with.

10. It has also been argued that the Selection Committee of the College had recommended the case of the appellant to be promoted to the post of Reader, however the same could not be given effect to and in the meantime, she was appointed as Associate Professor on 12.02.2010 on Direct Recruitment basis, however her claim pertaining to the period between 01.01.2007 and 12.02.2010 for being promoted as Reader and accordingly paid the emoluments has not been acceded to by the respondents and to that extent the judgment dated 19.01.2018 as modified by the order of the Division bench dated 10.01.2020 remains to be complied with. It was further stated by Mr. Rungta that considering all the aforesaid facts, the learned Contempt Judge had passed the order on 18.12.2024 directing the



Delhi University to constitute the Selection Committee for considering appellant's claim for promotion to the post of Reader w.e.f. 01.01.2007 and the learned Single Judge by recalling the said order *vide* impugned order dated 14.02.2025 has, thus, erred in law.

11. Opposing the appeal, Mr. Mohinder J.S. Rupal, learned counsel representing the Delhi University has submitted that once the appellant was appointed on the post of Associate Professor, which is equivalent to the post of Reader (as was its nomenclature earlier), the question of her promotion to the post of Reader does not arise at all. He has also emphasized that it is not only that the appellant that was appointed on the post of Associate Professor on 12.02.2010, but she has further been promoted to the post of Professor and Senior Professor and, therefore, the submissions made by the learned counsel for the appellant are absolutely misconceived. He has urged that the appeal be, accordingly, dismissed.

12. We have given our anxious consideration to the respective submissions made by the learned counsel for the parties.

13. It is not in dispute that certain benefits which can be said to have accrued in favour of the appellant on the basis of the judgment of learned Single Judge dated 19.01.2018 as modified by the order of the Division Bench, dated 10.01.2020, such as the benefit of seniority w.e.f. 01.01.1998, fixation of pay and arrears of salary etc., has been given. The only issue which is being stressed upon by the learned senior counsel for the appellant is that her promotion to the post of Reader w.e.f. 01.01.2007, was not given to her and, therefore, the findings recorded by the learned Single Judge in the impugned order dated 14.02.2025, whereby it has been observed that the contempt petition is dismissed as satisfied, is erroneous.



14. It is to be noted that though LPA 206/2018 was finally disposed of by the Division Bench of this Court *vide* an order dated 10.01.2020, however, an application namely C.M. No. 5576/2020 was filed by the appellant in the LPA 206/2018 seeking certain clarifications. The said application was disposed of by the Division Bench *vide* order dated 10.10.2022. The Division Bench while passing the said order dated 10.10.2022 disposed of C.M. No. 5576/2020 and noted that “*the appellant (respondent no.1) lastly contends that the respondent (Kusum Lata Malik) is wrongly claiming promotion as a Reader with effect from 01.01.2007 and, accordingly, wrongly claiming consequential benefits accruing to the higher pay scale as a result of such promotion*”.

15. From a perusal of the order dated 10.10.2022, it is apparent that the Division Bench in the said order had considered the contention of the appellant herein that she was entitled to be promoted as Reader w.e.f. 01.01.2007, however no such direction was given by the Division Bench in its order dated 10.10.2022 and the application was disposed of with certain directions relating to monetary benefits to the appellant.

16. For the said reason, it is difficult for us to agree with the submissions made by the learned senior counsel for the appellant that there has been any violation of the judgment dated 19.01.2018 passed by the learned Single Judge as modified by the Division Bench *vide* order dated 10.01.2020.

17. Further, as noticed above, the appellant was appointed on Direct Recruitment basis to the post of Associate Professor (Reader) w.e.f. 12.02.2010. If prior to her appointment on the post of Associate Professor (Reader) on 12.02.2010 the appellant would have been promoted to the post of Reader w.e.f. 01.01.2007 (as is being claimed by her), the question of her



appointment to the post of Associate Professor (Reader) on Direct Recruitment basis would not have arisen. Accordingly, we are of the opinion that the appellant exercised her choice of joining the post of Associate Professor (Reader) on Direct Recruitment basis and has even further been promoted to the post of Professor and Senior Professor and, therefore, the claim of being promoted to the post of Reader lost its relevance once she was directly recruited to the post of Associate Professor on 12.02.2010.

18. It is also to be noticed that the order dated 18.12.2024 passed by the learned Single Judge, which was sought to be recalled by the Delhi University by modifying the C.M. No. 6694/2025 in the contempt proceedings, issued a direction to the Delhi University for constituting a Selection Committee for considering appellant's promotion to the post of Reader. The prayer for modification of the order dated 10.01.2020 to the said effect sought by the appellant by modifying C.M. No. 5576/2020 in LPA 206/2018 was not acceded to by this Court as is apparent from a perusal of the order dated 10.10.2022. Accordingly, in our opinion, considering the nature of direction, which was issued by the learned Contempt Judge *vide* order dated 18.12.2024, while exercising contempt jurisdiction, such direction could not have been issued.

19. The hon'ble Supreme Court in *Midnapore People's Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399* has clearly held that it is impermissible for the Contempt Court to pass any order or issue any direction touching upon the merit of the respective claim of the parties while exercising contempt jurisdiction.

20. For all the aforesaid reasons, we are not inclined to interfere in this



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intra-Court appeal, which is hereby dismissed. However, there will be no orders as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 27, 2026
S.Rawat