



2026:DHC:7484-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010593912025
+ **W.P.(C) 12627/2025, CM APPL. 51480/2025 & CM APPL. 51482/2025**

CENTRAL PWD ENGINEERS ASSOCIATIONPetitioner
Through: Mr. M.K. Bhardwaj, Adv.

versus

UNION OF INDIA AND ANRRespondents
Through: Mr Syed Abdul Haseeb CGSC
with Mr Muhammad Aamir Khan, Adv.
Mr. Sushil Kumar Pandey SPC, Mr. Aman
Kumar Pandey, Mr. Pradip Sharma, Adv.
Mr. Hanu Bhaskar, Sr. CGSC, along with
Ms. Anmol Bhaskar, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
01.09.2026

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C. HARI SHANKAR, J.

1. This writ petition assails order dated 26 May 2025 passed by the Central Administrative Tribunal¹ in CP 871/2024 in OA 1360/2024, whereby the petitioner alleged contempt of an earlier order dated 6 October 2015 passed by the Tribunal in OA 1360/2015.

2. The operative paragraph of the order dated 6 October 2015 read

¹ "the Tribunal" hereinafter



thus:

“ 5. Having regard to the aforesaid submissions, we dispose of the OA directing the respondents authority to consider the case of the applicants and other similarly placed persons for regularisation and pass necessary order within a period of four months from the date of receipt of a copy of this order. The order that may be passed shall be communicated to the applicants. It is made clear that in the event the applicants are regularised in service from a particular date and their juniors are promoted to the next cadre, the case of those applicants for promotion with effect from the dates when their juniors were promoted would also be considered subsequently. The OA is accordingly disposed of. No cost.”

3. Alleging that, though they were regularised, there was no meaningful implementation of the direction to consider their case for promotion with their juniors to the next higher grade, thereby resulting in contempt, the petitioner approached the Tribunal by way of CP 871/2024, in which the presently impugned order has come to be passed.

4. We need only reproduce paras 4 to 8 of the impugned order which read thus:

“4. Mr. Hanu Bhaskar, learned counsel for the respondents, invites our attention to an order dated 31.05.2024 and submits that the petitioners have been promoted to the post of Executive Engineer from the date of assumption of charge. He further submits that, as per applicable rules, an Executive Engineer must complete a residency period of eight years for promotion to the grade of Superintending Engineer, and that this period would be counted from 31.05.2024, or, from the actual date of assumption of charge. Therefore, the petitioners are not yet eligible for promotion to the said post.

5. Learned counsel for the respondents also refers to the status report, particularly para nos. 9, 10, and 11, which read as follows:

“9. At the time of filing of O.A. No. 1360/2015, applicant No. 2, 3 and 4 were holding the post of Executive Engineer



purely on adhoc basis. Later on, after Review DPC held in UPSC in 2018 for regular promotion from AE (Civil) to EE (Civil), applicants no. 2, 3 and 4 were granted regular promotion from the grade of AE (Civil) to EE (Civil) vide Office Order dated 01.01.2018 (Annexure CP/2). Applicant No. 2 (Subhash Chandra) is at Sr. No. 105, Applicant No. 3 (Madan Lal Azad) is at Sr. No. 145 and Applicant No. 4 (Ram Mehar Singh) is at Sr. No. 118 of this O.M. dated 01.01.2018.

10. Further, for consideration of promotion of officers from the grade of EE (Civil) to the grade of SE (Civil) for the vacancy year 2014'15, 2015-16 and 2016'17, a Review DPC was held in UPSC to review the proceedings of Regular DPCs held in UPSC on 17.09.2015 and 11.07.2017, In this review DPC, Applicant No. 2 (Subhash Chandra) was assessed "FIT" for the panel year 2015-16 and on the recommendation of review DPC, he was promoted to the post of SE (Civil) on notional basis vide Ministry of Housing and Urban Affairs Office Order dated 25.08.2023 (Annexure- CP 3L. It is pertinent to mention here that eligibility list for panel year 2015'16 included names upto Sr. No. 425 of the seniority list of EE (Civil) issued vide Directorate's OM dated 17.01.2020. Applicant No. 3 (Madan Lal Azad) and Applicant No. 4 (Ram Mehar Singh) were not included in this eligibility list prepared for the panel year 2015'16 as their Seniority Numbers were 521 and 455 respectively.

11. Further, applicant No. 4 of the O.A. (Sh. Ram Mehar Singh) was not considered for promotion to the post of Superintending Engineer for panel year 2016-17 as the applicant was superannuated on 31.10.2015, much before the crucial date of eligibility i.e. 01.01.2016."

6. Learned counsel for the respondents states that in view of the above, the order dated 06.10.2015 of this Tribunal in OA No.1360/2015 stands duly complied with. He also states that the issue being raised by the petitioners is sub judice before this Tribunal in several OAs, one of which is OA No.2836/2024.

7. Mr. M. K. Bhardwaj, learned counsel for the petitioners, disputes the contentions raised by the learned counsel for the respondents.

8. Be that as it may, in the facts and circumstances of the case, we are of the view that the petitioners have not made out a case of willful disobedience on the part of the respondents. Accordingly,



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the CP is dismissed. Notices are discharged.”

5. Though Mr. Bhardwaj has tried, with all the eloquence at his command, to convince us that there has been contumacious disobedience of the direction contained in the order dated 6 October 2015, inasmuch as, if the petitioner had been regularised, they were entitled to treat the period thereafter for their eligibility for further promotion, these are aspects which, to our mind, could not have legitimately been addressed by the Tribunal in the contempt proceedings.

6. The Tribunal has, therefore, rightly dismissed the contempt petition reserving liberty with the petitioner to agitate any surviving cause with respect to non-considering for promotion to higher grades.

7. No occasion arises for us to interfere with the order of the Tribunal which is accordingly upheld.

8. The writ petition is dismissed.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 1, 2026/dsn