



2026:DHC:9078-DB



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

CNR No. DLHC010299442026

+ **W.P.(C) 9373/2026**

DHARAM PAL SINGH AND ORSPetitioners

Through: Mr. VSR Krishna, Mr. Saurabh
Tripathi, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Shashank Dixit, CGSC
with Mr Kunal Raj, Mr. Shivam Sharma, GP

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **12.10.2026**

C. HARI SHANKAR, J.

1. This writ petition assails order dated 19 March 2026 passed by the Central Administrative Tribunal¹ in Contempt Petition² 706/2023.

2. CP 706/2023, for its part, sought initiation of contempt proceedings against the respondents, alleging willful disobedience of order dated 3 August 2023 passed by the Tribunal in OA 2416/2016. The operative directions in the said decision read thus:

¹ "the Tribunal" hereinafter

² "CP" hereinafter



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“13. In view of the aforesaid facts and law, the O.A. deserves to be allowed. The same is allowed with following orders:-

The impugned order dated 06.07.2016 (Annexure A/1) is set aside, the applicants are declared to be entitled for grant of the 2nd financial upgradation in Grade pay of Rs. 5400/-, in Pay Band-III after completion of 24 years of regular service.

(ii) Respondents are directed to comply with the orders by passing an appropriate order as expeditiously as possible and preferably within six weeks of receipt of a copy of this order. The respondents shall also release the difference of pay and allowances in accordance with rules accruing to the applicants. In compliance of the aforesaid, as expeditiously as possible and preferably within 6 weeks thereafter.

14. O.A. stands allowed in the aforesaid terms.”

3. Clearly, therefore, the Tribunal had directed grant, to the petitioners, of second financial upgradation under the ACP Scheme *in PB-3* with Grade Pay of ₹ 5400/-.

4. Mr. Krishna, learned Counsel for the petitioners points out that, in due compliance with the aforesaid order, the respondents had issued Office Order dated 3 April 2025, from which the relevant portion may be reproduced thus:

“2A, Mansingh Road, New Delhi-110011

Dated: 03.04.2025

OFFICE ORDER

“In supersession of this office order no. A.24011/16/2011-Ad-II dated 20.09.2011 and in compliance of CAT, Principal Bench, New Delhi Order dated 03.08.2023 in O.A. No.2416/2016 filed by Shri Dharam Pal Singh & Ors. V/s Union of India & Ors. & Hon’ble High Court of Delhi Judgment dated 28.02.2024 in WP(C) No. 2925/2024 for the grant of financial up-gradation under the ACP Scheme and this office order no. A-30011/1/2024-Admn.III/1718 dated 26.11.2024, the IInd ACP has been granted to the following 25 retired DEOs, Gr-B/Sr. Supervisors in the PB-3 of Rs.15600-39100/- + Grade Pay of Rs. 5400/- after completion 24 years of

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regular service.

Sl. No.	Name of the official (S / Sh. / Smt. / Ms.) and Date of joining in the office	Pay as on	Date of effect of II nd ACP (in PB-3 of ₹15600-39100/- + G.P. of ₹5400/-)	Pay as on 01.07.2007 (Dol)	Pay as on 01.07.2008	Pay as on 01.07.2009	Pay as on 01.07.2010
1.	Dharam Pal Singh, DEO, Gr-B 25.05.1983	24.05.2007 ₹13450+4200= 17650/-	25.05.2007 *₹15600+5400= 21000/- (notional)	-	₹16230+5400= 21630/- (Notional)	₹16880+5400= 22280/- (Notional)	₹17550+5400=22950/- (Notional)

5. Mr. Krishna submits that the aforesaid Office Order dated 3 April 2025 was in due compliance with the directions passed by the Tribunal in its judgment dated 3 August 2023 in OA 2416/2016, inasmuch as the petitioners' pay have been re-fixed in PB-3 of ₹15600-39100 with Grade Pay of ₹ 5400/-.

6. However, for no apparent reason, submits Mr. Krishna, the respondents issued a subsequent Office Order dated 23 September 2025, reducing the pay scale of the petitioners. The said Office Order read thus:

“Dated: 23.09.2025

OFFICE ORDER

“In supersession of ORGI Office Order no.A-24011/41/2024-Ad-II dated 03.04.2025 and order no.330011/01/2025-Ad-II dated 12.08.2025 regarding the pay fixation of 25 retired officials of ORGI, the pay fixation has been revised in accordance with the observations of Internal Audit Wing (IAW), MHA and in light of DoPT OM F.No.35034/3/2015-Estt. (D) dated 08.09.2020.

2. The revised pay fixation is as under:

Sl. No.	Name of the official (S / Sh. / Smt. / Ms.) and Date of joining in the	Pay as on	Option for pay fixation under II nd ACP in Grade Pay	Date of upgradation (II nd ACP and Pay)	Pay as on 01.07.2007	Pay as on 01.07.2008	Pay as on 01.07.2009
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	office		5400/-				
1.	Dharam Pal Singh, DEO, Gr- 'B' 25.05.1983	24.05.2007 ₹13450+4200= 17650/-	Date of Upgradation i.e. II nd ACP	25.05.2007 ₹13980 + 5400 = ₹19380/- (after granting one increment for II nd ACP)	N/A	Rs.14570 + 5400 = 19970/-	₹15170 + 5400 = 20570/-

7. Mr. Krishna submits that the scale of pay starting ₹13450, in which the petitioners' pay had been re-fixed by the Office Order dated 23 September 2025, falls in PB-2, and not in PB-3, as it is clear that PB-3 starts with the scale of ₹15600.

8. Mr. Krishna submits that the modification of the earlier Office Order, re-fixing the petitioners' pay in PB-2, is clearly in the teeth of the directions contained in the judgment dated 3 August 2023 of the Tribunal in OA 2416/2016.

9. It was in these circumstances that the petitioners moved the Tribunal by way of CP 706/2023, alleging contumacious disobedience by the respondents of the order dated 3 August 2023.

10. The Tribunal has, by order dated 19 March 2026, dismissed the CP, holding that the issue related to correctness of calculation and fixing of pay under the ACP/MACP Scheme which, according to the Tribunal, could not be decided in contempt proceedings.

11. Aggrieved by the aforesaid order dated 19 March 2026, passed by the Tribunal, dismissing the CP, the petitioner has approached this Court by means of the present writ petition.



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12. We had, in our order dated 16 September 2026, noted the aforesaid facts and observed that the Tribunal may not have been correct in rejecting the contempt petition solely on the ground that the issue relating to correctness of calculation and fixation of pay under the ACP/MACP Scheme could not be decided in contempt proceedings. While it is true that, in contempt proceedings, a court cannot enter into any detailed deliberations on the rights of the petitioner who has filed the contempt petition, where there is a clear contravention of the order of the Court, the Court has necessarily to intervene. Of course, it would be open to the Court, thereafter, to arrive at its own informed conclusion as to whether the disobedience is or is not contumacious, as would justify proceeding in contempt. Contempt is ultimately a *lis* between the court and the contemnor.

13. We were inclined to entertain this petition essentially because, by the subsequent order dated 23 September 2025, the pay of the petitioner had been reduced to a scale which started with ₹ 13450, which falls in PB-2 as, PB-3 starts with ₹ 15600.

14. Inasmuch as the Tribunal had, in its order dated 3 August 2023, specifically held the petitioner to be entitled to grant of second financial upgradation in PB-3, we were of the opinion that the respondent was acting in the teeth of the order of the Tribunal in altering the scale of pay of the petitioner, fixed by the earlier Office Order dated 3 April 2025 by the subsequent order dated 23 September 2025.

15. The subsequent Office Order, to our mind, refixed the pay of

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the petitioner in PB-2, from PB-3 in which it was fixed by the Office Order dated 3 April 2025.

16. Mr. Shashank Dixit, learned CGSC for the respondent, to a query in this regard, on instructions, fairly acknowledges that the scale of pay starting with ₹ 13450 would fall in PB-2 rather than PB-3 which starts at ₹ 15600.

17. In that view of the matter, it would be for the Tribunal to examine whether, by the order dated 23 September 2025, the respondent was justified in re-fixing the petitioner's pay in PB-2, as compared to PB-3 in which it was fixed by the earlier Office Order dated 3 April 2025, in the wake of the specific directions contained in para 13(i) of the judgment dated 3 August 2023 passed by the Tribunal in OA 2416/2016. In case the Tribunal finds that the respondent was *not* justified in doing so, the Tribunal would have to determine whether the respondent was acting willfully or contumaciously, as would justify proceeding against it in contempt.

18. The matter does not, therefore, appear to be one which is so involved as could not be examined in contempt proceedings.

19. Mr. Dixit has drawn our attention to the judgment of the Supreme Court in *J S Parihar v. Ganpat Duggar*³, from which he cites the following paragraph:

“6. The question then is whether the Division Bench was right in setting aside the direction issued by the learned Single Judge to redraw the seniority list. It is contended by Mr S.K. Jain, the



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learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned Single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2-7-1991. Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the Single Judge; the Division Bench corrected the mistake committed by the learned Single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned Single Judge when the matter was already seized of the Division Bench.”

20. There can be no gainsaying the position of law enunciated in para 6 of *JS Parihar*. However, as the only issue which, according to us, arose for consideration in the contempt petition was whether the order dated 23 September 2025, which refixed the petitioner’s pay in PB-2, could be treated as in contumacious or willful disobedience of the direction contained in para 13(i) of the judgment dated 3 August 2023 passed by the Tribunal in OA 2616/2016, we reiterate that the

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case is not one which would require the petitioner to be relegated to a fresh round of original litigation.

21. In that view of the matter, we quash and set aside the impugned order dated 19 March 2026 passed by the Tribunal.

22. CP 706/2023 is relegated to the Tribunal for consideration afresh, keeping in mind the aforesaid observations.

23. For the purposes of expedition of the proceedings, we direct the parties, or their Counsel, to appear before the Tribunal on 30 October 2026.

24. Neither side would be entitled to seek any adjournment on the said date. We request the Tribunal to take up CP 706/2023 for consideration on that date.

25. We make it clear, however, that we have not expressed any final, or even tentative, view on whether the order dated 23 September 2025 would be *contumacious* of the judgment dated 3 August 2023 in OA 2416/2016.

26. The Tribunal would, in arriving at a conclusion in that regard, needless to say, be mindful of the fact that every disobedience is not contempt, unless it is contumacious and willful in nature.

27. We are sanguine that the Tribunal has the necessary legal expertise to examine and arrive at a conclusion as to whether the

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disobedience, even if it is found to exist, can be treated as willful or contumacious as would justify punishment of the contemnor for the contempt.

28. The writ petition stands allowed to the aforesaid extent, with no orders as to costs.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 12, 2026/dsn