



2026:DHC:9222-DB



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

CNR No. DLHC010497492026

+ **W.P.(C) 15265/2026**

SH RAJENDER SINGH

.....Petitioner

Through: Mrs. Rashmi Chopra, Sr. Adv.
with Mr. Puneet Rathi, Ms. Fiza Chopra, Mr.
Moh Shahrukh Qureshi, Advs.

versus

**UNION OF INDIA THROUGH MINISTRY OF RAILWAYS
THROUGH ITS CHAIRMAN AND ANR. Respondents**

Through: Mr. Rajesh Kumar, SPC for
UOI with Mr. Yash Narain, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **13.10.2026**

C. HARI SHANKAR, J.

1. This writ petition assails judgment dated 29 October 2025 passed by the Central Administrative Tribunal¹ in CP 221/2022 in OA 492/2015.

2. CP 221/2022 alleged contumacious and wilful disobedience of the following directions, contained in para 9 of judgment dated 30 March 2022 passed in OA 492/2015:

¹ "Tribunal" hereinafter



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“9. Keeping in view the facts that the applicant had qualified the ESE - 2012 and secured 88th rank and placed at 4th position in the merit list prepared for PH candidates, we deem it fit and proper to direct the respondent No.3 - UPSC to forward the case of the applicant for allocation to a service/post against PH vacancy on the basis ESE-2012, to departments/Ministries other than Ministry of Railways on the basis of his rank in the merit list prepared for PH category and preference to services, within a period of two months from the date of receipt of a copy of this order.”

3. The contempt petition impleaded the Chairman of the Railway Board as Contemnor 1 and the Secretary of the Union Public Service Commission² as Contemnor 2.

4. To our mind, the contempt petition could not even have been maintained against the Railway Board, as the only direction in the order of which contempt was alleged was against the UPSC.

5. The aforesaid order of the Tribunal was carried by the UPSC to this Court by way of WP (C) 14573/2022.

6. This Court disposed of the said writ petition thus, on 9 September 2024:

“13. Having heard learned counsel appearing for the parties and on perusal of this case, we find that the stand of UPSC before this Court is that the case of the respondent No.1 has already been forwarded to respondents No.2 & 3 i.e. Ministry of Railways and the allocation has to be done by the concerned Ministry. However, it is not disputed that respondent No. 1 has already initiated the contempt proceedings against the petitioner. In such facts of the case, this Court finds that the decision on respondent's case has to be now taken by respondents No.2 & 3 and the role assigned to the petitioner-UPSC is over once the case has been forwarded to

² “UPSC” hereinafter



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respondents No.2 & 3 in compliance of directions passed by the learned Tribunal.

14. As such, there was no occasion for UPSC to challenge the order dated 30.03.2022, as the final call has to be now taken by respondents No.2 & 3. In our view, nothing survives for consideration in the present petition and accordingly the same is accordingly dismissed.

15. We make it clear that we have not commented upon the contempt proceedings initiated by the respondent against respondents No.2 & 3 and the same shall be considered by the Tribunal in accordance with law.”

7. Clearly, the directions issued by this Court in its order dated 9 September 2024 are completely irrelevant in so far as the contempt proceedings before the Tribunal were concerned, as the contempt was alleging disobedience of an order passed by the Tribunal.

8. Nonetheless, as the petitioner is a differently abled person, we also have examined whether there is any disobedience of the directions contained in the judgment dated 9 September 2024 passed by this Court.

9. This Court, too, has, in its judgment, noted that once the UPSC had forwarded the matter to the Ministry of Railways and the concerned Ministry, the ball lay in their court.

10. There is no categorical direction to either of the Ministries to appoint the petitioner.

11. The Ministry of Railways, in the Contempt Petition before the



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Tribunal, stated that the petitioner could not be accommodated as there was no vacancy.

12. This, according to us, is an aspect which lay outside the pale of jurisdiction of the Tribunal in contempt proceedings.

13. As such, we clarify that if there are any observations in the impugned judgment on the legitimacy or otherwise of the decision of the Ministry of Railways not to grant appointment to the petitioner, they would not be binding, as they could not have been returned in contempt proceedings.

14. Suffice it, however, to state that, as there was no further direction to any of the Ministries either by the Tribunal or this Court, no disobedience, much less contumacious or wilful disobedience, could be alleged.

15. We, therefore, decline to interfere in the present writ petition, which is accordingly dismissed.

16. The petitioner would, however, be at liberty to proceed otherwise than in contempt proceedings for securing his rights in accordance with law. We make it clear that any such proceedings, if initiated or instituted, would be decided uninfluenced by any observation contained in the impugned order dated 29 October 2025 passed by the Tribunal.



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17. We also request the Tribunal, in case the petitioner reapproaches the Tribunal with a substantive grievance, to deal with the matter as expeditiously as possible, keeping in mind the fact that the petitioner is differently abled.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J

OCTOBER 13, 2026/dsn