



2025:DHC:7952-DB



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

Date of decision: 10.09.2025

+ W.P.(C) 14008/2024
RAHUL KUMAR

.....Petitioner

Through: Mr.Ankit Singh Sinsinwar &
Mr.Ravi Kumar, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

.....Respondents

Through: Mr.Vaibhav Agnihotri,
ASC/NDMC with Mr.Vidit
Pratap Singh, Mr.Ankit Singh
& Ms.Suruchi Khandelwal,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 12.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in C.P. No. 656/2024 in O.A. No. 2679/2024, titled ***Rahul Kumar v. Sh. Naresh Kumar & Ors.***, dismissing the Contempt Petition filed by the petitioner herein, while reserving liberty to the petitioner to challenge the subsequent order dated 09.08.2024, on all the grounds including that have been taken by the petitioner in O.A. No. 2679/2024.

2. To give a brief background of the facts in which the present petition arises, the petitioner was appointed as a Casual Labour



(Temporary Muster Roll) in the Horticulture Department of the respondents on 26.11.2009. He worked on the same with intermittent breaks and, on 04.05.2023, was appointed as Palika Sahayak (Udhyan) by the respondents. The terms of his appointment, *inter alia*, were that the petitioner shall work on the said post for a two-year probation period. Alleging certain misconduct by the petitioner, the respondents served a notice of termination, *vide* order dated 14.06.2024, on the petitioner under Rule 5(1)(a) of the CCS (Temporary Service) Rules, 1965. Aggrieved by the same, the petitioner approached the learned Tribunal by way of O.A. No. 2679/2024. The learned Tribunal, by an *ad interim* Order dated 12.07.2024, stayed the operation of the order dated 14.06.2024 till the next date of hearing.

3. It is the case of the respondents that the respondents were advised that the order dated 14.06.2024 was stigmatic in nature and it must withdraw the same and pass a fresh order. Accordingly, it withdrew the order dated 14.06.2024, *vide* order dated 07.08.2024, and passed a fresh termination order terminating the services of the petitioner on 09.08.2024.

4. The petitioner approached the learned Tribunal by way of the above Contempt Petition, alleging that the respondents had, by withdrawing the order dated 14.06.2024 and passing a fresh termination order dated 09.08.2024, violated the *interim* Order dated 12.07.2024 passed by the learned Tribunal.

5. The learned Tribunal has dismissed the Contempt Petition, *inter alia*, observing therein that the order dated 09.08.2024, gives a fresh



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cause of action to the petitioner and, therefore, no contempt is made out.

6. The learned counsel for the petitioner submits that the respondents, by withdrawing the order dated 14.06.2024 and by issuing a fresh termination order dated 09.08.2024, had tried to overreach the learned Tribunal and thereby committed contempt of the jurisdiction of the learned Tribunal, rendering the O.A. infructuous. He further submits that the act of the respondents in first withdrawing the termination order dated 14.06.2024 *vide* order dated 07.08.2024, and then passing a fresh order of termination, just two days later, clearly shows that it was an orchestrated exercise and it was done only to *fait accompli* the petitioner.

7. On the other hand, the learned counsel for the respondents submits that, as the O.A. had been filed on the premise that the order dated 14.06.2024 was stigmatic in nature, the respondents accepting the said position in law, withdrew the order dated 14.06.2024, and passed a fresh order terminating the services of the petitioner *simpliciter*. He submits that the learned Tribunal has given liberty to the petitioner to challenge the same in accordance with law, if so advised. He submits that there was no intent to overreach the jurisdiction of the learned Tribunal, but rather to rectify a mistake committed by the respondents. He further places reliance on the Order of the Supreme Court dated 10.01.2025 passed in SLP (C) No. 19992/2024 titled ***I. Ismail vs. N. Raman & Anr.***, to submit that as the O.A. itself now stands withdrawn, the interim order passed therein cannot survive and the contempt proceedings are itself meaningless.



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8. We have considered the submissions made by the learned counsels for the parties.

9. At the outset, we would note that contempt is a matter between the Court and the alleged contemnor. The Court, while exercising its powers of contempt, acts in a quasi-criminal jurisdiction and, therefore, can find the alleged contemnor in contempt only where there is an order that is clear, unambiguous, and the violation thereof is also apparent on the face of the record.

10. In the present case, by the *interim* Order dated 12.07.2024, the operation of the termination order dated 14.06.2024 had been stayed by the learned Tribunal. The said order, for its own reasons, has been withdrawn by the respondents. The respondents have also issued a fresh order of termination dated 09.08.2024, terminating the services of the petitioner. In the facts of the case, the learned Tribunal has, therefore, rightly held that the order dated 09.08.2024 will give a fresh cause of action to the petitioner to challenge the same in accordance with law. However, the respondents cannot be held guilty of having overreached the jurisdiction of the learned Tribunal by withdrawing the order which it felt will not stand the test of law.

11. We, therefore, find no infirmity in the Order passed by the learned Tribunal.

12. The petition is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 10, 2025/rv/ik