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

CNR No. DLHC010807002025

+ **CONT.CAS(C) 1561/2025 & CM APPL. 50539/2026**

SH. KARTAR SINGH

.....Petitioner

Through: Mr. Piyush Sharma, Adv. with Mr.
Anuj Kumar Sharma and Mr.
Shubham Singh, Advs. with petitioner
in person

versus

SH. ASHOK CHANDRA

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Ms. Azal
and Ms. Likivi, Advs.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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01.09.2026

1. The present petition has been filed alleging wilful disobedience of the directions as contained in the judgment dated 19th September, 2024, passed by the Division Bench of this Court in *LPA 941/2024*.
2. By way of the said judgment, the Award dated 16th November, 2005, passed by the Presiding Officer, Central Government Industrial Tribunal – II, New Delhi (“CGIT”), in *ID 175/1999*, has been upheld. However, the same was modified to the extent of holding the petitioner herein entitled to reinstatement in service with 50% of back wages for the period during which he did not perform his duties.
3. *Per contra*, learned counsel appearing for the respondent submits that there are two separate and independent enquiry proceedings, which were



carried out by the respondent against the petitioner.

4. He submits that both the said enquiries pertained to two separate and independent chargesheets dated 25th May, 1990, and 06th December, 1990. Further, the said enquiries culminated into two separates orders dated 16th January, 1993, passed by the Disciplinary Authority, whereby, the penalty of dismissal from service was imposed upon the petitioner.

5. It has come to the fore that while the petitioner challenged his dismissal *qua* one enquiry proceeding, i.e., emanating from the chargesheet dated 25th May, 1993, he did not challenge his dismissal *qua* the second enquiry proceeding, i.e., emanating from the chargesheet dated 06th December, 1990.

6. Accordingly, the respondent sought clarification from the Division Bench in this regard by way of an application being *CM APPL. 5096/2026*. However, *vide* order dated 31st July, 2026, the said application was dismissed by the Division Bench holding that the directions contained in the judgment dated 19th September, 2024, are clear and categorical. The order dated 31st July, 2026, reads as under:

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1. To a query from the Court as to the points on which clarification is required in our order dated 19 September 2024, Mr. Gautam has drawn our attention to paras 29 and 30, which read thus:

“29. However, the learned Tribunal has awarded respondent's reinstatement with full back wages, which cannot be permitted based upon the principle of 'no work no pay'. We hereby modify the order passed by the Tribunal, which is upheld by the learned Single Judge, to the extent and hold that the respondent shall be entitled to 50% back wages for the period he has not performed his duties.

30. Before parting with this judgment, we make it clear that this



Court has not rendered any opinion upon the aspect of second Charge Sheet dated 06.12.1990, which was not subject matter before the learned Tribunal or the learned Single Bench.”

2. To our mind, the aforesaid paragraphs are clear and categorical. Mr. Gautam’s contention is that in subsequent contempt proceedings, the Court is taking a view which may not be in sync with the judgment that we have passed.

3. That cannot, to our mind, constitute a ground to issue a clarification to our judgment which is perfectly clear.

4. Accordingly, the application is dismissed.

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7. Accordingly, the question raised by learned counsel for the petitioner before this Court is whether the petitioner is entitled to relief in terms of the directions passed by the Division Bench *vide* the judgment dated 19th September, 2024, whereby, the Award dated 16th November, 2005, in favour of the petitioner, has been upheld.

8. On the other hand, the question raised by the learned counsel appearing for the respondent is that in the absence of any challenge to Dismissal Order passed against the petitioner in the second enquiry proceeding emanating from the chargesheet dated 06th December, 1990, the same still stands, as it has neither been challenged nor set aside. Thus, it is the contention of the respondent that since the Dismissal Order against the petitioner in the Second Inquiry proceeding has not been set aside, the petitioner cannot be reinstated despite setting aside of the Dismissal Order in the First Inquiry proceeding.

9. Accordingly, this Court is called upon to construe the judgment dated 19th September, 2024, passed by the Division Bench, and the effect of the petitioner not challenging the second Dismissal Order, in independent and



separate enquiry proceedings, which was passed simultaneously along with the first Dismissal Order.

10. Accordingly, both the parties are directed to file their written submissions along with the judgments that they wish to rely upon, before the next date of hearing.

11. List for consideration on 04th December, 2026, in Top Ten Matters in the *Advance List*.

MINI PUSHKARNA, J

SEPTEMBER 1, 2026/KR