



2026:DHC:3213



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

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Date of Decision: 16.04.2026

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CONT.CAS(C) 1421/2023

JEET KUMAR SOHRA

.....Petitioner

Through: Mr. Rajat Aneja, Mr. Saubhagya
Chauriha and Mr. Karan Deep Singh,
Advs.

versus

OFFICE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE
HEAD QUARTERS

.....Respondent

Through: Ms. Avnish Ahlawat, SC, Ms. Tania
Ahlawat, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)****CM APPL.15492/2025**

1. The present contempt petition came to be disposed of vide judgment / order dated 22.11.2024 passed in the present proceedings. The same reads as under:

“CONT.CAS(C) 1421/2023 & CM APPL. 68331/2024 (filed on behalf of the petitioner under Section 151 CPC)

1. The present application has been moved with mere request that the matter be taken up on the Top of the Board on the date fixed i.e. 27.11.2024.

2. Learned counsel for the respondent is also present today.

3. This Court has seen order dated 13.09.2022, passed by learned Coordinate Bench in W.P.(C) 3118/2019 whereby the writ petition filed by the petitioner was allowed. Para Nos.10, 11 and 12 of above said order read as under:-

10. In the light of the aforesaid, I have no hesitation in holding that the action of the respondents in denying promotion to the



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petitioner on the upgraded post of UDC w.e.f. 02.01.2001 is clearly unsustainable and the impugned order is, therefore, liable to be set aside.

11. The respondents are directed to grant the promotion to the petitioner to the upgraded post of UDC in terms of this Court's order in W.P. (C) 5686/1998 w.e.f. 02.01.2001, i.e., at par with Sh. Krishan Panwar. The petitioner will also be entitled to all consequential benefits as has been granted to other similarly placed employees.

12. It is, however, made clear that this order will not preclude the respondents from taking into consideration subsequent penalties imposed on the petitioner for any purpose, including any upgradation, for which he becomes eligible after 08.08.2002."

3. Admittedly, the petitioner has already been upgraded to the post of Upper Division Clerk (UDC) with effect from 02.01.2001.

4. However, the grievance of the petitioner is that certain subsequent upgradation and all the consequential benefits have yet not been granted, to which he is entitled to in terms of the above said order.

5. Learned Counsel for respondent has filed a compliance affidavit and submits that the order has been duly complied with.

6. Learned counsel for the petitioner submits that "response to the compliance affidavit" filed by the respondent, be treated as a representation and the respondent be directed to consider the same in a time-bound manner. He also states that if the outcome remains the same, he may be permitted to revive the present contempt petition.

7. This Court has gone through the response filed by the petitioner to the compliance affidavit of the respondent.

8. Such response affidavit is dated 16.01.2024.

9. Keeping in mind the overall fact and circumstances of the case and the abovesaid submission made by Sh. Rajat Aneja, learned counsel for the petitioner, the present petition is disposed of with the direction that the above said "response affidavit dated 16.01.2024" of the petitioner is treated as representation and the respondents are directed to consider the same and dispose the same of in accordance with law, preferably, within a period of eight weeks from today.

10. The petitioner, if still feels aggrieved by the outcome of the above said representation, shall be at liberty to revive the present petition.

11. The petition stands disposed of accordingly.

12. The next date of 27.11.2024 is cancelled."

2. The representation of the petitioner came to be decided vide office order dated 15.01.2025. The same reads as under:



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ANNEXURE C-1

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OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs):
TIS HAZARI COURTS, DELHINo. 2594 /Recruitment Cell/Selection Comm. 2025

16 Jan, Delhi the

15 JAN 2025

To,

Sh. Jeet Kumar Sohra, SJA
Reader in the court of
Sh. Gaurav, Ld. District Judge-01,
Shahdara Distt., Karkardooma Courts, Delhi.

Sub: Promotion matter of Sh. Jeet Kumar Sohra in pursuance to the order/Judgment dated 22.11.2024 of Hon'ble High Court of Delhi in Contempt Petition (Civil) No. 1421/2023 titled as Jeet Kumar Sohra Vs. O/o Ld. Principal District & Sessions Judge (HQs), Delhi

I am directed to inform that your response affidavit dated 16.01.2024 (treated as representation in terms of subjected order dated 22.11.2024) was considered and rejected by Selection Committee vide its minutes of meeting dated 10.01.2025 duly approved by Ld. Principal District & Sessions Judge (HQs) as under:

.....XXXXXXXX

Agenda-1:- Promotion matter of Sh. Jeet Kumar Sohra in pursuance to the order/Judgment dated 22.11.2024 of Hon'ble High Court of Delhi in Contempt Petition (Civil) No. 1421/2023 titled as Jeet Kumar Sohra Vs. O/o Ld. Principal District & Sessions Judge (HQs), Delhi.

The office has placed following records before the Committee:

- Office note dated 07.12.2024 of Recruitment Cell.
- Copy of office note dated 26.11.2024 of Litigation Branch (Central), THC, Delhi alongwith copy of order dated 22.11.2024 of Hon'ble High Court of Delhi in Cont. Cas (C) 1421/2023 titled as "Jeet Kumar Sohra Vs. Office of the Principal District & Sessions Judge Head Quarters" AND a copy of response affidavit dated 16.01.2024 in the above mentioned matter.
- Copy of office note dated 06.12.2024 of Administration Branch-II (Central) alongwith letter dated 30.11.2024 of Sh. Jeet Kumar Sohra, Petitioner.
- Minutes of meeting dated 25.02.2023 and 18.10.2023 of Selection Committee.
- Order dated 13.09.2022 in W.P. (C) No. 3118/2019 titled as "Shri Jeet Kumar



Sohra Vs. Ld. District and Sessions Judge (HQ)”.

The Committee has perused all the aforesaid records.

In the aforesaid order dated 22.11.2024 in Cont. Cas (C) 1421/2023 titled as “Jeet Kumar Sohra Vs. Office of the Principal District & Sessions Judge Head Quarters”, the Hon’ble High Court of Delhi has observed and directed as under:

.....XXXXX

1. Admittedly, the petitioner has already been upgraded to the post of Upper Division Clerk (UDC) with effect from 02.01.2001.
2. However, the grievance of the petitioner is that certain subsequent upgradation and all the consequential benefits have yet not been granted, to which he is entitled to in terms of the above said order.
3. Learned Counsel for respondent has filed a compliance affidavit and submits that the order has been duly complied with.
4. Learned counsel for the petitioner submits that “response to the compliance affidavit” filed by the respondent, be treated as a representation and the respondent be directed to consider the same in a time-bound manner. He also states that if the outcome remains the same, he may be permitted to revive the present contempt petition.
5. This Court has gone through the response filed by the petitioner to the compliance affidavit of the respondent.
6. Such response affidavit is dated 16.01.2024.
7. Keeping in mind the overall fact and circumstances of the case 2 CONT.CAS(C) 1421/2023 and the abovesaid submission made by Sh. Rajat Aneja, learned counsel for the petitioner, the present petition is disposed of with the direction that the above said “response affidavit dated 16.01.2024” of the petitioner is treated as representation and the respondents are directed to consider the same and dispose the same of in accordance with law, preferably, within a period of eight weeks from today.
8. The petitioner, if still feels aggrieved by the outcome of the above said representation, shall be at liberty to revive the present petition.
9. The petition stands disposed of accordingly.
10. The next date of 27.11.2024 is cancelled.

.....XXXXX

Vide above referred response affidavit dated 16.01.2024 (treated as representation), the petitioner, Sh. Jeet Kumar Sohra, has sought promotion to the post of Sr. Judicial Assistant w.e.f. 02.01.2011 instead of 01.07.2016 and submitted that the promotion granted to him w.e.f. 01.07.2016 is wrongly granted i.e. without considering the order dated 12.05.2016 in service appeal.

It is evident that the Hon’ble High Court of Delhi vide its order dated 13.09.2022 passed in W.P. (Civil) 5686/1998 has directed to grant promotion to Sh. Jeet Kumar Sohra to



the upgraded post of UDC at par with Sh. Krishan Panwar along with all consequential benefits as has been granted to other similarly placed employees. The relevant extract of the said order dated 13.09.2022, is reproduced as under:

"xxx 11. The respondents are directed to grant the promotion to the petitioner to the upgraded post of UDC in terms of this Court's order in W.P. (C) 5686/1998 w.e.f. 02.01.2001. i.e. at par with Sh. Krishan Panwar. The Petitioner will also be entitled to all the consequential benefits as has been granted to other similarly placed employees.

12. It is, however, made clear that this order will not preclude the respondents from taking into consideration subsequent penalties imposed on the petitioner for any purpose, including any upgradation, for which he becomes eligible after 08.08.2002 xxx."

In compliance of order dated 13.09.2022 in W.P. (C) No. 5686/1998, Selection Committee vides its minutes of meetings dated 25.02.2023 considered the matter of Sh. Jeet Kumar Sohra to the post of UDC and recommended as under:

"After going through the record of the official and the directions of the Hon'ble High Court of Delhi this Committee RESOLVED that the official namely Sh. Jeet Kumar Sohra be upgraded to the post of UDC w.e.f. 02.01.2001, i.e. at par with Sh. Krishan Panwar. He will also be entitled to all consequential benefits as has been granted to other similarly placed employees."

Also, in compliance of order dated 13.09.2022 in W.P. (C) No. 5686/1998, Selection Committee vides its minutes of meetings dated 18.10.2023 considered the matter of Sh. Jeet Kumar Sohra to the post of Sr. Judicial Assistant as under:

.....XXXXXX

The office has placed the copy of Contempt petition (Civil) bearing No.1421/2023 titled Jeet Kumar Sohra Vs. O/o Principal District & Sessions Judge (Hqs), filed before the Hon'ble High Court of Delhi, along with order dated 03.10.2023 & office note dated 03.10.2023 of Litigation Branch (Central), MOM dated 10.03.2023 and office order No. 20322-342/S&P(JJAs)/Admin.II (Hqs)/2023 dated 14.03.2023 of Admin. II (C). The same has been perused by the Committee.

It is evident that the Hon'ble High Court vide its order dated 13.09.2022 passed in W.P. (Civil) 5686/1998, directed to grant the promotion to Sh. Jeet Kumar Sohra to the upgraded post of UDC at par with Sh. Krishan Panwar along with all consequential benefits as has been granted to other similarly placed employees. The relevant extract of the said order dated 13.09.2022, is reproduced as under:

"xxx 11. The respondents are directed to grant the promotion to the petitioner to the upgraded post of UDC in terms of this Court's order in W.P. (C) 5686/1998 w.e.f.



02.01.2001. i.e. at par with Sh. Krishan Panwar. The Petitioner will also be entitled to all the consequential benefits as has been granted to other similarly placed employees.

12. It is, however, made clear that this order will not preclude the respondents from taking into consideration subsequent penalties imposed on the petitioner for any purpose, including any upgradation, for which he becomes eligible after 08.08.2002 xxxxx."


The record would further indicate that vide minutes of meeting dated 25.02.2023, Selection Committee has already recommended Sh. Jeet Kumar Sohra, for promotion to the post of UDC w.e.f. 02.01.2001, i.e. at par with Sh. Krishan Panwar, with all consequential benefits as has been granted to other similarly placed employees.

It was pointed out to the Committee that since, certain vigilance enquiries and currency of penalties were going on against Sh. Jeet Kumar Sohra, therefore, he was not given the consequential benefits. It was further pointed out that, that is why Sh. Jeet Kumar Sohra, has filed the contempt petition.

However, now the matter of promotion of Sh. Jeet Kumar Sohra to the post of Sr. Judicial Assistant has been placed before the committee alongwith ACRs (2002 to 2022), Vigilance status report, currency of penalty report, summary report and other relevant record, pointing out that after 30.6.2016, no such penalty or enquiry is in force against Sh. Jeet Kumar Sohra.

The status of vigilance enquiries and currency of penalty reports produced by Vigilance and Accounts Branch respectively in respect of Sh. Jeet Kumar Sohra are as under:

Vigilance Status

File no.	Charge sheet issued	Outcome/Penalty
F.875/ Vig	08.08.2002	Penalty of Dismissal from service was imposed vide order dated 07.12.2005. He filed service appeal against the said order and in compliance of order dated 06.02.2007 passed by Hon'ble High Court of Delhi the impugned order of dismissal from service dated 07.12.2005 was set aside. Vide modification order dated 22.06.2007, Ld. District & Sessions Judge, Delhi has imposed the penalty withholding of two increment of pay without cumulative effect.
F.879/ Vig	12.01.2012 	Penalty of reduction of pay by five stages (increments) in the time scale of pay of rupees 5200-20200/- with grade pay of 2800/- for a period of three year vide order dated 24.12.2013 was imposed. He filed Service Appeal against said order and in compliance of the order dated 12.05.2016 passed by the Hon'ble High Court the penalty of reduction of pay by



		<p>five stages (increments) in the time scale of pay of rupees 5200-20200/- with grade pay of 2800 for period of three year vide order dated 24.12.2013 is reduced to the penalty of withholding of two increments for one year. Other terms and conditions of the orders are left undisturbed. The said order of penalty has been modified by District and Session Judge (HQs) vide order dated 01.07.2016.</p>
F.918/ Vig	17.03.2004 I	<p>Penalty of reduction to five lower stages for a period of 3 years has been imposed vide order dated. 23.04.2009,</p> <p>He filed <u>Service Appeal</u> against said order and in compliance of the order dated 12.05.2016 passed by the Hon'ble High Court the penalty of reduction of five lower stages in pay i.e. his basic pay will be reduced from 3950/- to 3575/- in the pre-revised scale for three years with immediate effect vide order dated 23.04.2009 is reduced to the penalty of withholding of two increments for one year. Other terms and conditions of the orders are left undisturbed. The said order of penalty has been modified by District and Session Judge (HQs) vide dated 01.07.2016.</p>
F. 935/ Vig.	15.07.2003	<p>Penalty of withholding of two increments with cumulative effect vide order dated 23.01.2009. He filed service appeal against the said order and the same dismissed.</p>
F.105 4/Vig	19.01.2009	<p>Exonerated vide order dated 23.07.10</p>
F.109 2/Vig	22.11.2005	<p>Exonerated vide order dated 23.07.10. Matter closed vide order dated 23.07.10 as the charge not proved.</p>
F.113 5/Vig. III	10.12.2007	<p>Penalty of reduce pay by five stages (increments) in the time scale of pay of Rs. 5200-20200 with grade pay of Rs. 2800/- for a period of 3 years vide order dt. 23.09.2011 was imposed. He filed <u>Service Appeal</u> against said order and in compliance of the order dated 12.05.2016 passed by the Hon'ble High</p>



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		<p>Court the penalty of reduction of pay by five stages in the time scale of pay of rupees 5200-20200/- with grade pay of 2800/- for a period of three year vide order dated 23.09.2011 is reduced to the penalty of withholding of three increment for two years. Other terms and conditions of the orders are left undisturbed. The said order of penalty has been modified by District and Session Judge (Hqs) vide dated 01.07.2016.</p>
F.116 6/Vig.	10.10.2008	<p>Penalty of withholding of one increment without cumulative effect was imposed vide order dated 13.11.2009.</p>
F.121 3/Vig	18.06.2008	<p>Matter closed vide order dated 18.12.2008.</p>
F.145 6/Vig.	15.09.2010	<p>Penalty of reduction of pay by five stages (increments) in the time scale of pay of rupees 5200-20,200/- with grade pay of 2800/- for a period of three year vide order dated 18.08.2012 was imposed. He filed <u>Service Appeal</u> against said order and in compliance of the order dated 12.05.2016 passed by the Hon'ble High Court the penalty of reduction of pay by five stages (increments) in the time scale of pay of rupees 5200-20200/- with grade pay of 2800/- for a period of three year vide order dated 18.08.2012 is reduced to the penalty of withholding of two increments for one year. Other terms and conditions of the orders are left undisturbed. The said order of penalty has been modified by District and Session Judge (Hqs) vide dated 01.07.2016,</p>

II

Currency of penalty

Sl. No.	Emp. Code	Official's Name (SH./MS.)	Father's / Husband's Name (Sh.)
1	41253018	Jeet Kumar Sahra, JA	Jagdish Prasad
CURRENCY OF PENALTIES			
1. Vide order No. 80658 F.875/Vig., after conclusion of		Dismissed w.e.f. 07.12.2005 and reinstated 22.06.2007	



<p><i>Inquiry, Ld. District & Sessions Judge, Delhi under Rule 15 (4) of the penalty of dismissal from Service. The appellant challenged the order in departmental service. The appellant challenged the order in departmental service appeal on administrative side. The order of dismissal was aside by Hon'ble Appellate Authority with direction to pass an order under rule 16 of CCS (CCA) Rules-1965. In compliance of order a penalty of withholding of two increments of pay without cumulative effect was imposed vide order dated 22.06.2007.</i></p>	<p><i>Penalty started withholding of Two increments for the year 01.07.2007 & 01.07.2008</i></p>	<p><i>Penalty ends on 30.06.2009</i></p>
<p><i>2. 41478/F-918/Vig., after conclusion of Inquiry, Ld. District & Sessions Judge, Delhi vide order dated 23.04.2009 imposed a penalty of reduction of five lower states of pay from Rs. 3950-3575 in the revised scale for a period of three years with immediate effect and the official will not earn any increment of pay during the aforesaid period and on the expiry of the aforesaid period, the reduction will have the effect of postponing his future increments and in appeal penalty was reduced to withholding of two increments for one year. Vide order No. 7543/F-935/Vig Dated 23.01.2009, after conclusion of Inquiry, Ld. District & Sessions Judge, Delhi vide order dated 23.01.2009 imposed a penalty of withholding two increments with cumulative effect. Vide order No. 101446/F-1166/Vig. Dated 13.11.2009, after conclusion of Inquiry, Ld. District & Sessions Judge, Delhi vide order dated 13.11.2009 imposed a penalty by withholding of one increment without cumulative effect. Further, vide order No. 29358/</i></p>	<p><i>Penalty started w.e.f. 23.04.2009</i></p>	<p><i>Penalty ends on 22.04.2010</i></p>



<p>F./918/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages in pay i.e. his basic pay will be reduced from 3950/- to Rs. 3575 in the pre-revised scale for a period of three years with cumulative effect vide order dated 23.04.2009 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed.</p>		
<p>3. Vide order No. 29358/F./1135/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale fo a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 23.09.2011 is reduced to the penalty of withholding of three increments for two years. Other terms and condition of the orders are left undisturbed.</p>	<p>Penalty started w.e.f. 23.09.2011</p>	<p>Penalty ends on 22.09.2013</p>
<p>4. Vide order No. 29358/F.1456/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale fo a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 18.08.2012 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed. The said penalty will be effective w.e.f. 01.07.2014.</p>	<p>Penalty started w.e.f. 01.07.2014</p>	<p>Penalty ends on 30.06.2015</p>
<p>5. Vide order No. 29358/F.879/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale fo a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 24.12.2013 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed. The said</p>	<p>Penalty started w.e.f. 01.07.2015</p>	<p>Penalty ends on 30.06.2016</p>



penalty will be effective w.e.f. 01.07.2015.		
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Here it is pertinent to mention the further observation of the Hon'ble High Court of Delhi, made vide order dated 13.09.2022, which is as under:

"xxx It is, however, made clear that this order will not preclude the respondents from taking into consideration subsequent penalties imposed on the petitioner for any purpose, including any upgradation, for which he becomes eligible after 08.08.2002 xxx :

As per the said observation of the Hon'ble High Court of Delhi, the office of Principal District & Sessions Judge (Hqs), was not precluded from taking into consideration subsequent penalties imposed on the petitioner namely Sh. Jeet Kumar Sohra, for any purpose, including any upgradation for which he becomes eligible, after 08.08.2002. The officers present from the office of Principal District & Sessions Judge (Hqs) pointed out that there were several currency of penalty and pending vigilance matters against Sh. Jeet Kumar Sohra after 08.8.2002 and that is why he could not be considered for further promotion or upgradation and now, the last currency of penalty has ended on 30.6.2016.

Here it is also pertinent to refer the averments made in the said contempt petition filed by Sh. Jeet Kumar Sohra. In para 2 (xii) of the said contempt petition, it is stated that "...It is a matter of record that, even though, the respondent has granted the promotion to the post of Judicial Assistant to the petitioner w.e.f. 2.1.2001, in purported compliance of the subject judgment dated 13.09.2022, yet, it is not in dispute that further promotion of the petitioner were also liable to be granted by the respondent to the petitioner, immediately on the expiry/conclusion of the currency of penalties on 01.07.2016. Thus, as on 01.07.2016, the petitioner became eligible for the next promotional post of Sr. Judicial Assistant, with grade pay of Rs 4800/- In view of the fact that the promotion to the said post of Sr. Judicial Assistant was required to be given to the petitioner on the expiry of 10 years on the earlier post of Judicial Assistant....".

Meaning thereby, even Sh. Jeet Kumar Sohra is claiming his further seniority /promotion w.e.f. 01.07.2016, at the expiry/conclusion of the currency of penalties, as imposed against him.

It is not in dispute that the currency of penalties imposed upon Sh. Jeet Kumar Sohra has already expired on 30.06.2016 and thereafter, there is no further any type of penalty imposed against him. Therefore, the Committee is of unanimous opinion that Sh. Jeet Kumar Sohra may be considered for further upgradation/promotion to the post of Sr. Judicial Assistant w.e.f. 01.07.2016.

For this purpose, the committee has applied the following benchmark which was adopted by the Selection Committee in its meeting dated 11.04.2016 and the same is reproduced as under:

..."B+ ACR grading i.e. Good for three out of the five preceding years. Adverse remarks, if any, shall be considered by the Selection Committee to see if the same are so serious to stand in the way of promotion. In case of reserved Category the requirement of the ACRs would be minimum B+ grading i.e. Good for two out of five preceding years. Adverse remarks, if any, shall be considered by the Selection Committee to see if the same are so serious to stand in the way of promotion. During the currency of punishment/penalty the official shall not be granted promotion."..



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Resolved :

• After going through the record of the said official and the directions of the Hon'ble High Court of Delhi made vide order dated 13.09.2022, this Committee unanimously resolve that Sh. Jeet Kumar Sohra, Judicial Assisnant has been found 'FIT' and is being recommended for actual promotion to the post of Sr. Judicial Assistant w.e.f. 01.07.2016.

• Further, the Committee unanimously RESOLVED that the representations, if any, of the aforesaid official pending with Recruitment Cell regarding promotion or compliance of order dated 13.09.2022 of Hon'ble High Court of Delhi, as on date stands disposed of in terms of the aforesaid recommendations.

XXXXXX.....

As per the order dated 12.05.2016 in service appeal, penalty in respect of four enquiries i.e. F.1456/Vig./13(25/90B), F.879/Vig./14(25/90D), F.1135/Vig./12(25/90A) and F.918/Vig./10(25/90) were modified and report in respect of these four penalty as per minutes of meeting dated 18.10.2023 of Selection Committee is as under:

CURRENCY OF PENALTIES		
<p>2. 11478/F-918/Vig., after conclusion of inquiry, Ld. District & Sessions Judge, Delhi vide order dated 23.04.2009 imposed a penalty of reduction of five lower stages of pay from Rs. 3950-3575 in the prevised scale for a period of three years with immediate effect and the official will not earn any increment of pay during the aforesaid period and on the expiry of the aforesaid period, the reduction will have the effect of postponing his future increments and in appeal penalty was reduced to withholding of two increments for one year.</p> <p>Vide order No. 7543/F-935/Vig Dated 23.01.2009, after conclusion of inquiry, Ld. District & Sessions Judge, Delhi vide order dated 23.01.2009 imposed a penalty of withholding two increments with cumulative effect.</p> <p>Vide order No. 101446/F-1166/Vig. Dated 13.11.2009, after conclusion of inquiry, Ld. District & Sessions Judge, Delhi vide order dated 13.11.2009 imposed a penalty by withholding of one increment without cumulative effect.</p> <p>Further, vide order No. 29358/ F./918/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages in pay i.e. his basic pay will be reduced from 3950/- to Rs. 3575 in the pre-revised scale for a period of three years with cumulative effect vide order dated 23.04.2009 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed.</p>	<p>Penalty started w.e.f. 23.04.2009</p>	<p>Penalty ends on 22.04.2010</p>
<p>3. Vide order No. 29358/ F./1135/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale fo a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 23.09.2011 is reduced to the penalty of withholding of three increments for two years. Other terms and condition of the orders are left</p>	<p>Penalty started w.e.f. 23.09.2011</p>	<p>Penalty ends on 22.09.2013</p>



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undisturbed.		
4. Vide order No. 29358/ F.1456/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale for a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 18.08.2012 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed. The said penalty will be effective w.e.f. 01.07.2014.	Penalty started w.e.f. 01.07.2014	Penalty ends on 30.06.2015
5. Vide order No. 29358/ F.879/Vig. Dated 01.07.2016 the penalty of reduction of five lower stages (increments) in the time scale for a pay of Rs. 5200-20200/- with grade pay of Rs. 2800/- for period of three years vide order dated 24.12.2013 is reduced to the penalty of withholding of two increments for one year. Other terms and condition of the orders are left undisturbed. The said penalty will be effective w.e.f. 01.07.2015.	Penalty started w.e.f. 01.07.2015	Penalty ends on 30.06.2016

Further, above named official/petitioner, Sh. Jeet Kumar Sohra in his Contempt petition (Civil) bearing No.1421/2023 titled Jeet Kumar Sohra Vs. O/o Principal District & Sessions Judge (HJs), before the Hon'ble High Court of Delhi, himself claimed his further seniority /promotion w.e.f. 01.07.2016 i.e. after expiry/conclusion of currency of all penalties/departmental proceedings. The above said fact was admitted in para 2 (cii) of the said contempt petition, which is as under:

"...It is a matter of record that, even though, the respondent has granted the promotion to the post of Judicial Assistant to the petitioner w.e.f 2.1.2001, in purported compliance of the subject judgment dated 13.09.2022, yet, it is not in dispute that further promotion of the petitioner were also liable to be granted by the respondent to the petitioner, immediately on the expiry/conclusion of the currency of penalties on 01.07.2016. Thus, as on 01.07.2016, the petitioner became eligible for the next promotional post of Sr. Judicial Assistant, with grade pay of Rs 4800/- in view of the fact that the promotion to the said post of Sr. Judicial Assistant was required to be given to the petitioner on the expiry of 10 years on the earlier post of Judicial Assistant.....".

Further, Petitioner Sh. Jeet Kumar Sohra was called in the meeting and he was heard at length by the committee.

The Committee vide its minutes dated 18.10.2023 has already considered the entire record including Vigilance, ACRs and currency of penalty including above mentioned Contempt Petition. On the basis of placed records and submission made by the official/Petitioner in Contempt Petition, the above named official was granted promotion to the post of Sr. Judicial Assistant only after completion and concluding of departmental proceedings/currency of penalty i.e. on 01.07.2016.



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As per record, the above mentioned order dated 12.05.2016 passed in service appeal had already been implemented by this office and vide minutes dated 18.10.2023, the above named official was granted promotion to the post of SJA w.e.f. 01.07.2016.

Resolved:

- After hearing the submission made by the petitioner/applicant, Sh. Jeet Kumar Sohra, and examining the records (including the Vigilance Report, Currency of Penalty Report, ACRs, etc.), the Committee has observed that during the period from 08.08.2002 (when he was chargesheeted in File No. F.875) to 30.06.2016 (end of currency of penalty in File No. F.879), the petitioner was either facing departmental inquiry/proceedings or was under Currency of Penalty, or both, in several departmental inquiries/matters. The petitioner was cleared from all departmental inquiries and/or Currency of Penalty only after 30.06.2016.
- In compliance with the order dated 13.09.2022 in W.P (C) No. 3118/2019 titled as Shri Jeet Kumar Sohra Vs. Ld. District and Sessions Judge (HQ), and based on the records, submission made by the official/petitioner himself and considering his eligibility, Selection Committee has already recommended Sh. Jeet Kumar Sohra to the post of Judicial Assistant w.e.f. 02.01.2001 and Sr. Judicial Assistant w.e.f. 01.07.2016 (i.e., after completion of departmental proceedings and currency of penalty). Therefore, response affidavit dated 16.01.2024 (treated as representation) of Sh. Jeet Kumar Sohra, is hereby rejected.
- Applicant/petitioner, Administration Branch-II (Central) and Litigation Branch be informed accordingly alongwith copy of relevant extracts of the minutes.

XXXXXXXX.....


Administrative Officer (Judl.)
Recruitment Cell (HQ's),
Tis Hazari Courts, Delhi

3. The petitioner is dissatisfied with above, and raises a grievance that the aforesaid order does not effectively consider the representation of the petitioner. Consequently, the present application came to be filed for restoration of CONT.CAS(C) 1421/2023.

4. Vide order dated 16.12.2025 passed in the present proceedings, the respondent was directed to file a status report. Pursuant thereto, an affidavit has been filed on behalf of the respondent, wherein it has been stated as under:



“8. That the contempt petition was listed for hearing before the Hon'ble Court on 16.12.2025, on which date, the Petitioner submitted that the order dated 12.05.2016 passed by the Ld. Single Judge disposing of the service appeal of the Petitioner has not been taken into consideration by the Respondent while deciding the representation.

9. That it is most respectfully submitted that the Petitioner preferred four service appeals, i.e. Appeal No.25/90, 25/90B, 25/90D and 25/90A. The Appeals were filed against the Memorandums issued to the Petitioner by the Respondent imposing penalties. The following table enumerates the appeal number, its corresponding Vigilance Inquiry Number and the penalty imposed upon the Petitioner.”

S. No.	Vigilance Inquiry File No.	Penalty Imposed	Appeal No.	Modified Penalty Imposed	Final Duration/Currency of Penalty
1.	F.918/ Vig./10	Reduction of 5 lower stages of pay from Rs.3950-3575 in the pre-revised scale for a period of three years with immediate effect	File No. 25/90	Withholding of two increments for one year.	Penalty w.e.f. 23.04.2009 to 22.04.2010
2.	File No.25 / 90B	Reduction of pay by five stages (increments in the	F.1456/ Vig./13	Withholding of two increment	Penalty w.e.f. 01.07.2014 to 30.06.2015

		time scale of pay of Rs.5200-20,200 with grade pay of Rs.2800 for a period of three years.		s for one year.	
3.	File No.25 / 90D	Reduction of pay by five stages (increments in the time scale of pay of Rs.5200-20,200 with grade pay of Rs.2800 for a period of three years.	F.879/ Vig./14	Withholding of two increments for one year.	Penalty w.e.f. 01.07.2015 to 30.06.2016
4.	File No.25 / 90A	Reduction of pay by five stages (increments in the time scale of pay of Rs.5200-20,200 with grade pay of Rs.2,800/- for a period of three years.	F.1135/ Vig./12	Withholding of three increments for two years.	Penalty w.e.f. 23.09.2011 to 22.09.2013

10. That the above-mentioned table makes it evidently clear that the modified penalties as awarded by the Appellate Authority vide order



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dated 12.05.2016 has been duly considered by the Respondent by disposing of the representation as well as during compliance of the order dated 13.09.2022 passed by the Hon'ble Court in WPC 3118/2019.

11. That it is most respectfully submitted that this Hon'ble High Court by way of order dated 13.09.2022 in no way precluded the Answering Respondent from taking into account the subsequent penalties imposed on the Petitioner for any purpose, including any upgradation for which he becomes eligible, after 08.08.2002. As per the Currency of Penalties enumerated above the last currency of penalty imposed upon the Petitioner ended on 30.06.2016, and that is why the Selection Committee by way of Minutes of Meeting dated 18.10.2023 rightly granted promotion to the Petitioner to the post Senior Judicial Assistant w.e.f. 01.07.2016.”

5. The petitioner submits that in effect, he has been deprived of the consequential reliefs to which he is entitled in terms of the judgment dated 13.09.2022 passed in W.P.(C) 3118/2019. The operative portion whereof is reproduced hereinbelow:

“11. The respondents are directed to grant the promotion to the petitioner to the upgraded post of UDC in terms of this Court's order in W.P. (C) 568611998 w.e.f. 02.01.2001, i.e., at par with Sh. Krishan Panwar. The petitioner will also be entitled to all consequential benefits as has been granted to other similarly placed employees.”

6. Learned counsel for the petitioner submits that pursuant to the aforesaid directions, the petitioner was promoted to the post of UDC/Judicial Assistant w.e.f. 02.01.2001. In terms of the extant service rules, the petitioner became entitled to promotion to the post of Senior Judicial Assistant (SJA) upon completion of 10 years, i.e., w.e.f. 02.01.2011. However, the grant of such consequential promotion was impeded on account of certain penalties imposed upon the petitioner in various



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departmental enquiries.

7. Essentially, it is the case of the petitioner that all the penalties on the basis of which the consequential benefit of promotion to the post of SJA had been denied stood exhausted as of 24.12.2013. It is, therefore contended that the petitioner became entitled to promotion to the post of SJA w.e.f. 24.12.2013.

8. On the contrary, from the aforesaid table filed by the respondent along with its affidavit, it is the respondent's stand that the penalties continued to operate against the petitioner till 30.06.2016. Accordingly, it is contended that the petitioner could be considered for promotion to the post of SJA only w.e.f. 01.07.2016.

9. Upon a careful perusal of the record, particularly the order dated 12.05.2016 passed in the service appeals filed by the petitioner, this Court finds merit in the contentions advanced on behalf of the petitioner. The service appeals consider all the penalties imposed upon the petitioner, including those referred to at serial nos. 2 and 3 of the table set out in paragraph 9 of the aforesaid affidavit filed by the respondent pursuant to the order dated 16.12.2025.

10. *Vide* order dated 12.05.2016, the service appeals were disposed of by inflicting the following revised penalty upon the petitioner:

“21. Taking into consideration the above factors, the penalties imposed in Appeal No.25/90, 25/90B & 25/92D are modified to the extent that withholding of increments would be two increments for one year each and in Appeal No.25/90A, it would be three increments for two years. Other terms and conditions of the orders are left undisturbed.”

11. Thus, the only consequence that ensued upon the petitioner in terms



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of the concerned departmental enquiries was the withholding of increments for the period specified in paragraph 21 of the order dated 12.05.2016, as reproduced hereinabove.

12. It is apparent that the maximum conjoint penalty to be suffered by the petitioner in terms of the order dated 12.05.2016 had already been undergone even prior to 24.12.2013, i.e., the date on which the last penalty order came to be passed against him. Consequently, there remains no impediment to considering the petitioner's case for promotion to the post of SJA w.e.f. 24.12.2013.

13. The legal position is well settled that in a contempt petition, it is incumbent upon the Court to pass such consequential orders as may be necessary to nullify the effect of any disobedience of the directions issued by it. This position has been reiterated by the Supreme Court in a catena of decisions, including **Anil Kumar Shahi v. Prof. Ram Sevak Yadav**, (2008) 14 SCC 115. The relevant observations therein are as under:

“50. It is by now well settled under the Act and under Article 129 of the Constitution of India that if it is alleged before this Court that a person has wilfully violated its order it can invoke its jurisdiction under the Act to enquire whether the allegation is true or not and if found to be true it can punish the offenders for having committed “civil contempt” and if need be, can pass consequential orders for enforcement of execution of the order, as the case may be, for violation of which, the proceeding for contempt was initiated. In other words, while exercising its power under the Act, it is not open to the Court to pass an order, which will materially add to or alter the order for alleged disobedience of which contempt jurisdiction was invoked. When the Court directs the authority to consider a matter in accordance with law, it means that the matter should be considered to the best of understanding by the authority and, therefore, a mere error of judgment with regard to the legal position cannot constitute contempt of Court. There is no wilful disobedience if best efforts are made to comply with the order.”



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14. Consequently, the respondent is directed to consider the case of the petitioner for promotion to the post of SJA w.e.f. 24.12.2013.

15. The respondent shall also compute and grant all further consequential benefits to which the petitioner is entitled in accordance with the above directions. Needless to say, grant of further consequential promotion to the petitioner shall be subject to completion of necessary procedural formalities, as applicable.

16. Considering the facts and circumstances, this Court is not inclined to take any action against the respondent for committing any wilful disobedience of the orders passed by this Court, subject to the aforesaid directions being complied with.

17. The application stands disposed of in the above terms.

SACHIN DATTA, J

APRIL 16, 2026/cl