



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. 16848 of 2021)

**RITU MAHESHWARI,
CHIEF EXECUTIVE OFFICER**

...APPELLANT

VERSUS

**RAMESH CHANDRA NAGAR
AND OTHERS**

...RESPONDENTS

JUDGMENT

B.R. GAVAI, CJI

1. Leave granted.
2. The present appeal challenges the interim order dated 06.10.2021 passed by the learned Single Judge of the High Court of Judicature at Allahabad in Contempt Application (C) No. 4876 of 2020.
3. The present appeal has a chequered history.
4. Numerous petitions have been filed by the respondents who are drivers engaged by New Okhla Industrial Development Authority (NOIDA) seeking regularization of their services. However, we do not find it necessary to delve

into the earlier proceedings, inasmuch as the reference to the order dated 04.02.2020 passed by the learned Single Judge of the High Court in Writ A. No. 9743 of 2019 and the subsequent orders passed by the NOIDA and the High Court, would suffice for the purpose.

5. In pursuance to the earlier representations made by the respondents, the Chairman and Chief Executive Officer (CEO) of the NOIDA rejected their claims for regularization of services vide an order dated 08.11.2017.

6. Being aggrieved by the same, the respondents filed a writ petition for quashing of the aforesaid order and further praying for regularization of their services.

7. It will be relevant to refer the following observations of the High Court while disposing of the writ petition:

“The petitioners herein have approached this Court on an earlier occasion with the specific prayer for consideration of their claims for regularization within the purview of the Government Order dated 24.2.2016 (replaced by the Regularization Rules, 2016). The Division Bench of this Court in Special Appeal No.1403 of 2005 categorically observed that the stand of the employer NOIDA that the petitioners/appellants were contractual employees and they were engaged through some contractor was not substantiated by bringing any relevant material on record. Noticing that a conscious decision had been taken by the State Government to

provide regular appointment to all daily wagers/contractual/work charge employees working in the Government Establishments or local authorities, it was directed that the NOIDA Authority was under obligation to consider the claim of regularization of the appellants in the light of the Government Order dated 24.2.2016. It is not disputed that the petitioners herein were party to the above proceedings wherein the Special Appellate Court had issued directions to the respondent to consider the claim of regularization of the Daily Wage/Work charge/Contractual Employees, irrespective of the fact that they were party in the Special Appeal or not. It is admitted in the present proceeding that a comprehensive representation pressing their claim for regularization under the scheme of the Government Order dated 24.2.2016 was filed by the petitioners herein and the same was rejected vide order impugned dated 8.11.2017 passed by the Chief Executive Officer, NOIDA.

It is further noteworthy that existence or absence of none of the qualifying conditions of regularization of a daily wager/work charge/contract employee in the establishment (NOIDA) as against the existing vacancy has been considered by the Chief Executive Officer, NOIDA. While rejecting their representation, the claim of the petitioners seeking for regularization has been brushed aside solely on the ground that they were engaged for intermittent work through a Contractor. The period of engagement of the representationists/petitioners herein has not been considered in the order impugned nor any record of their engagement has been produced before the Court alongwith the counter affidavit filed in the present proceeding. This Court is, therefore, constrained to form an opinion that the order impugned dated 8.11.2017 is a result of non-application of mind by the Chief Executive Officer, NOIDA.

The rejection of claim for regularization of the

petitioners herein is not within the purview of the Regularization Rules' 2016 or the Government order dated 24.2.2016. For the aforesaid, the order impugned dated 8.11.2017 passed by the Chairman and Chief Executive Officer cannot be sustained and is hereby set aside.

It is further provided that the Chief Executive Officer, NOIDA, Ghaziabad, U.P shall consider the claim of the petitioners afresh for regularization keeping in view of the observations made hereinabove, strictly in the light of the qualifying conditions of the Government Order dated 24.2.2016 or the Regularization Rules' 2016, as on the date of submission of their representation rejected vide order dated 8.11.2017.

As to the other qualifying conditions under the Government Order/Regularisation Rules such as cut off date, qualification etc., the same would have to be considered by the competent Authority i.e. Chief Executive Officer, NOIDA considering the facts of individual case of each petitioner herein.

In any case, a fresh, reasoned and speaking order, in accordance with law, shall be passed by the Chief Executive Officer, NOIDA within a period of three months from the date of production of the certified copy of this order keeping in view of all the observations made hereinabove specifically that the petitioners cannot be treated as Contract Labour hired through registered Contractor/Supplier/Service Provider in absence of a valid Contract for such services, in accordance with the scheme of CLRA Act and that deviation from the procedure prescribed therein is not permitted, for the NOIDA being a local Authority falling within the purview of the Act' 1970.”

- 8.** It could thus be seen that the learned Single Judge of the High Court, by the said order, found that the rejection of

the respondents' claim solely on the ground that they were employed for intermittent work through a contractor was not sustainable. The High Court, therefore, observed that the order dated 08.11.2017 passed by the CEO was issued, without proper application of mind and as such was not sustainable.

9. While setting aside the order passed by the CEO, the learned Single Judge of the High Court directed the CEO to consider the claim of the respondents afresh for regularization keeping in view the observations made by the High Court and in light of the qualifying conditions of the Government Order dated 24.02.2016 or conditions prevailing in 2016 as on the date of submission of their representations, which were earlier rejected by the order dated 08.11.2017.

10. Learned Single Judge of the High Court further clearly directed that insofar as other qualifying conditions under the Government Order/Regularization Rules such as cut-off date, qualification etc., were concerned, the same would have to be considered by the competent authority i.e. the CEO, NOIDA while considering the facts of individual case of each

respondent herein.

11. Learned Single Judge of the High Court, therefore, finally directed the consideration of each of the respondents' claim independently. The only rider was that their claims should not be rejected solely on the ground that they were contract labourers hired through a Registered Contractor/Supplier/Service Provider.

12. In pursuance of the aforesaid order, it appears that a Committee was constituted by NOIDA. On the basis of the report of the Committee, the CEO passed orders dated 17.08.2021, 18.08.2021 and 19.08.2021.

13. While considering the claims of the respondents, the present appellant went through various aspects, including:

- (i) The qualification of the respondents vis-a-vis Government Order dated 24.02.2016.
- (ii) The Report of the Committee.
- (iii) The effect of the Government Order dated 18.9.2018
- (iv) The additional financial burden on the NOIDA.

14. After considering these aspects, the respondents' claim came to be rejected.

15. Alleging that the orders dated 17.08.2021, 18.08.2021

and 19.08.2021 were passed in contempt of the order passed by the High Court dated 24.02.2020, a contempt petition came to be filed.

16. Learned Single Judge of the High Court, vide the impugned order dated 06.10.2021 came to the *prima facie* conclusion that a case of contempt was made out to prosecute the present appellant by framing charges.

17. However, taking a lenient view of the matter, the High Court granted one last opportunity to the appellant to comply with the Writ Court's order in its letter and spirit, failing which it was directed that the appellant would remain present before the Court on the next date to show cause as to why he may not be prosecuted under the Contempt of Courts Act, 1971.

18. Being aggrieved thereby, the present appeal.

19. We have heard Mr. Tushar Mehta, learned Additional Solicitor General appearing for the appellant and Ms. V. Mohana, learned senior counsel appearing for the respondents.

20. Learned Solicitor General submits that the order dated

04.02.2020 required NOIDA to consider the claims of the respondents afresh and to decide the same in accordance with law by passing a reasoned order. He submits that in pursuance to the said order, the claims of each of the respondents were duly considered and rejected by passing the speaking order.

21. It is, therefore, submitted that the contempt petition itself was not tenable, inasmuch as there was no disobedience of the directions issued vide order dated 04.02.2020.

22. Ms. Mohana, learned senior counsel appearing for the respondents submits that the respondents have been dragged into a series of litigation through no fault of their own. It is submitted that the order dated 04.02.2020 contemplated the regularization of services of the respondents. She submits that, however, the rejection of their claims was once again based on the very same grounds that had already been set aside by the High Court in its order dated 04.02.2020. It is, therefore, submitted that the learned Single Judge of the High Court has rightly passed the impugned order summoning the present appellant.

23. Ms. Mohana, submits that, in any case, the contempt petition itself is still pending and has not yet been finally decided by the learned Single Judge of the High Court and, therefore, the present appeal itself is not tenable.

24. As stated hereinabove, what the order dated 04.02.2020 contemplated, was a consideration of the respondents' claim. Liberty was given to the appellant to consider the case of the each of the respondents, including their qualification, cut-off date, applicability of the Government Orders, Rules, etc. The only rider was that the respondents regularization was not to be denied solely on the ground that they were employed through a contractor.

25. By the orders dated 17.08.2021, 18.08.2021 and 19.08.2021, of which the contempt is alleged, the appellant rejected the respondents' claims on four grounds, as already noted herein.

26. One of the considerations was the applicability of the Government Order of 2018. The NOIDA found that the respondents were not qualified under the said order and further that would be an additional burden on the NOIDA if the claim of the respondents was considered favourably and

their services were regularized. It also found that the respondents' case was not covered under the Government Order dated 24.02.2016.

27. It could thus be clearly seen that the respondents' claim was not rejected solely on the ground that they were employed through a contractor but was rejected after a thorough consideration of several other grounds.

28. In that view of the matter, the orders dated 17.08.2021, 18.08.2021 and 19.08.2021 must be considered as compliance with the directions issued under the order dated 04.02.2020.

29. However, by the impugned order, the learned Single Judge of the High Court had come to a conclusion that the appellant is in contempt of the Court and directed the compliance with the order in its letter and spirit.

30. We find that the contempt itself was not tenable, inasmuch as the directions issued in order dated 04.02.2020 had been complied with. If the respondents were aggrieved by the reasoning given by the appellant in orders dated 17.08.2021, 18.08.2021 and 19.08.2021, then, at the most, it could have given rise to fresh cause of action for

challenging the said orders.

31. No doubt that the appellant has unnecessarily referred to SLP(C) No. 2452 of 2020 in ground (E) while rejecting the said claim.

32. We are, therefore, inclined to delete the said ground portion from the orders dated 17.08.2021, 18.08.2021 and 19.08.2021, which reads as under:

“E. In respect of similar cases related to Greater Noida.

In Special Leave Petition (C) No. 2452 of 2020, Greater Noida Industrial Development Authority, Vs. Ashok Kumar and Ors. filed by Greater Noida, Authority against the order passed by Hon'ble, High Court in a similar matter to that of the present case in which the Hon'ble High Court, directed the Greater Noida Authority to regularize, the drivers who were working on contract basis, through suppliers and the order in Contempt Application in the aforesaid matter, the Hon'ble Supreme Court, vide order dated 31.1.2021, has stayed the effect operation of the orders passed by Hon'ble High Court in Contempt Applications –

“Issue notice returnable on 6.3.2020. Pleadings to be completed in the meanwhile. There shall be stay of contempt proceeding in the meanwhile.”

It is thus clear from the above that in a similar case, the Hon'ble Court has not permitted regularization in a similarly situated Institution i.e. Greater Noida Authority and the Hon'ble Supreme Court was pleased to stay the contempt order passed by Hon'ble High Court.”

33. In the result, the present appeal is allowed. The impugned order dated 06.10.2021 passed by the learned Single Judge of the High Court is quashed and set aside.

34. It is, however, made clear that the respondents would be at liberty to challenge the orders dated 17.08.2021, 18.08.2021 and 19.08.2021.

35. If such a challenge is made, the same would be considered in accordance with law.

36. It is further clarified that while adjudicating any such challenge, the Court shall not take into account the above quoted portion that has been directed to be deleted from the orders dated 17.08.2021, 18.08.2021 and 19.08.2021. Moreover, for the period during which the respondents were pursuing this matter before this Court, they shall be entitled to the benefit of Section 14 of the Limitation Act, 1963.

37. Pending applications, if any, are disposed of.

..... **CJI**
(B.R. GAVAI)

..... **J**
(K. VINOD CHANDRAN)

NEW DELHI;
JULY 29, 2025.