

Central Administrative Tribunal
Principal Bench: New Delhi

C.P. 248/2002 in
O.A. 591/2002 &

C.P. No. 247/2002 In
O.A. No. 580/2002

This the 24th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

OA No. 248/2002

Shri Vatan Prakash Gautam
S/o Shri A.P. Gautam
R/o A-11, Arya Nagar Appmts.
Plot No. 91, I.P. Extn.,
Patparganj, Delhi-110092.

-Petitioner

Versus

1. Shri D.S. Nijjer,
Joint Secretary
Dept. of Training and Technical Education
Govt. of Delhi,
Muni Maya Ram Marg, Pitampura,
Delhi-110034.

2. Dr. J.C. Kaushik,
Principal,
Bhai Parmanand Institute of Business
Studies, Shakarpur, Delhi-92

-Respondents

CP-247/2002

Prakash Chandra
S/o Shri Sita Ram Prasad
R/o 69A/1B, Street No.4
South Ganesh Nagar, Delhi-110092.

-Petitioner

Versus

1. Shri D.S. Nijjer,
Joint Secretary
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-Respondents

(By Advocate: Shri Kanwar Pramod Singh, for petitioner
Shri George Paracken, for respondents)

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ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Heard both the learned counsel.

2. In OA-591/2002 interim orders were passed on 28.2.2002 (Annexure-A) as follows:-

"Heard.

Issue notice to the respondents to file reply within four weeks. Three weeks for rejoinder.

On the prayer for interim relief, issue short notice to respondents returnable within two weeks.

List on 8.3.2002.

Meanwhile applicant's services shall not be dispensed with till that date.

This interim order will automatically expire on the next date (8.3.2002) unless specifically extended by any written orders.

Issue Dasti".

3. Learned counsel drew our attention to Annexure-C stating that after the aforestated orders of the Tribunal, the services of the applicants have been terminated by the respondents whereby they have committed contempt of court of the orders of this court.

4. Learned counsel of the respondents Shri George Paracken has denied the contentions of the learned counsel of the petitioners stating that the petitioners are still in service and their services have not been terminated. According to him, vide Annexure-C dated 29.5.2002, it has been made clear that orders of termination of services of these petitioners among some others issued earlier than

the orders of this court will not be put into effect and they will be engaged for teaching duties after Institutes reopen after vacations. Learned counsel explained that two days thereafter on 31.5.2002, Annexure R-1 was issued in supersession of order dated 29.5.2002 clarifying that the petitioners would continue. Petitioners have to be continued till final decision of this court. He stated that whereas the respondents have tendered unqualified apology for any impression to the contrary, the services of the petitioners have been continued and that the petitioners would continue to get their salary. On being asked, the learned counsel of the petitioners stated that the petitioners are still in service.

5. In the light of Annexure-C read with Annexure R-1 as also the statement of the learned counsel, the services of the applicants have not been terminated and they are continuing and would be getting salary, we do not find any merit in the C.P. which is dismissed. Notices issued to the alleged contemner/respondents are discharged.

6. C.P. No. 247/2001 in OA-580/2002 is also dismissed as both the learned counsel submitted that issues and orders are similar to C.P. 248/2001.

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)