

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. CPC. 83 of 2019
(O.A. 580 of 2019)

Date of order: 24.1.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

S.V. Vijayalakshmi,
Wife of A.N. Sekar Iyengar,
Residing at 2/6, Pallavi Village,
32, Dasadrone Road, P.O. - Rajarhat - Gopalpur,
Kolkata - 700 136,
Working as Principal,
Kendriya Vidyalaya No. 1,
Ishapore,
P.O. Nawabganj,
District - North 24 Parganas,
Pin - 743 144.

... Applicant

- VERSUS -

1. Mr. Santosh Kumar Mall,
The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional area,
Saheed Jeet Singh Margh,
New Delhi - 110 016.

2. Mrs. P.B.S. Usha,
The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Kolkata at EB Block,
Sector - I,
Labone,
Salt Lake City,
Kolkata - 700 064.

... Respondents/Contemnors

For the Applicant : Mr. S.S. Mondal, Counsel

For the Respondents : Mr. R.N. Bag, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:


This Contempt Application has been filed on the grounds of alleged violation of orders of the Tribunal dated 17.5.2019 issued in the context of O.A. No. 350/00580/2019.

2. The Tribunal while dispose of such O.A. had directed as follows:-

"5. As prayed for by the applicant, liberty is granted to her to file such representation within a period of three weeks from the date of receipt of a copy of this order citing rules and relevant orders/judgments in support.

Once such representation is preferred, the concerned respondent authority, who is the respondent No. 2, namely, the Commissioner, Kendriya Vidyalaya Sangathan, will examine the contents of the representation, analyze the applicability of orders/judgments cited in support, and, thereafter issue a reasoned and speaking order within a period of six weeks thereafter. The said decision should be communicated forthwith to the applicant.

Till the disposal of such representation, the respondent authorities may not take any coercive steps against the applicant regarding her tenure of service."



Ld. Counsel for the petitioner would urge that although the respondent authorities/alleged contemnors were directed not to take coercive steps against the applicant regarding her tenure of service till the disposal of such representation, the respondent authorities/alleged contemnors have failed to comply with such directions. Ld. Counsel for the petitioner would further aver, that, in compliance to the directions of the Tribunal, the applicant/petitioner had preferred a representation dated 18.5.2019 (CP-2) to the concerned respondent authority which was disposed of on 11.6.2019. The petitioner /applicant, however, was made to superannuate on 31.5.2019 despite the Tribunal's specific directions that no coercive steps should be taken against the applicant till disposal of her representation.

3. The alleged contemnors have filed a compliance report in which they have annexed the speaking order dated 11.6.2019 (R-I) and the following is deciphered therefrom:-

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(i) The respondent authorities have admitted in their speaking order that the representation of the applicant/petitioner was received on 22.5.2019.

(ii) Based on the subsequent amendment in Article 51 of the Education Code of Kendriya Vidyalaya Sangathan, and, also, because of the decision of the Principal Bench of this Tribunal in the matter of one **Smt. Anita Saxena** in O.A. No. 983 of 2019 is clearly distinguished from the case of the petitioner/applicant, the claim of the applicant/ petitioner stood rejected.

Ld. Counsel for the applicant/petitioner would fairly submit that the speaking order is liable to be challenged in a fresh O.A., but would reiterate that the applicant should not have been made to superannuate on 31.5.2019 when the Tribunal had specifically directed that no coercive action should be taken against the applicant till the disposal of the representation. The representation was disposed of on 11.6.2019.

4. We have carefully considered the rival contentions of both sides.

5. The alleged contemnors have admitted that they have received the representation on 22.5.2019. They, however, did not dispose of the representation within 31.5.2019, which according to the respondent authorities, was the due date of superannuation of the petitioner. It is undisputed that the alleged contemnors chose to dispose of the representation 11 days thereafter, and, accordingly, there is a clear violation of the Tribunal's orders to the effect that coercive action was indeed taken against the applicant/ petitioner prior to disposal of the representation.

6. Accordingly, being convinced that the Tribunal's orders in CPC No. 83 of 2019 has been violated, we would proceed under Rule 21 of the

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Contempt of Court (CAT) Rules, 1992 to impose costs of Rs. 10,000/- (Rupees Ten thousand only) payable to the petitioner within a period of six weeks from the date of receipt of a copy of this order, with liberty to the petitioner to agitate afresh, in case of non-compliance.

Needless to say, the applicant/petitioner is at liberty to challenge the speaking order, if so desired, in a fresh O.A.

7. With this, the CPC is disposed of. No costs.


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP

