

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P.NO.204/2003 IN O.A.NO.1212/2001

Friday, this the 30th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Govindan S. Tampi, Member (A)

Dr. Arvind Kumar

TGT (Bio)

Kendriya Vidyalaya

*R10 D1226-B, New Ashok Nagar, New Delhi* ..Applicant  
(By Advocate: Shri Amit Seth)

Versus

1. Shri D.S. Beat  
Kendriya Vidyalaya Sangathan  
through its Jt. Commissioner (Admn.)  
18, Institutional Area  
Shahid Jeet Singh Marg, New Delhi
  2. Shri V.K.Gupta, *Dy. Commissioner*  
Kendriya Vidyalaya Sangathan  
18, Institutional Area  
Shahid Jeet Singh Marg, New Delhi
  3. Smt. Vijay, Laxmi Nagar  
Principal, Kendriya Vidyalaya  
Nasirabad (Rajasthan)
- ..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant states that there is disobedience of the directions of this Tribunal issued in OA-1212/2001 on 2.4.2002. The operative part of the order reads:-

"7. In the view of the matter, the application is disposed of by setting aside the impugned order dated 30.4.2001 transferring the applicant from KV Nazirabad to KV Aizawal. Respondents are directed to consider issuing a fresh order posting him to Agra, one of the 5 places of choice they have indicated, which he had accepted. This order should be issued within one month from the date of receipt of a copy of this order. They shall also ensure that after being posted to Agra, he shall not be immediately posted out on the ground of being rendered surplus, but only in accordance with the instructions and guide lines for dealing with surplus staff. Respondent shall also grant him pay and allowances,

*LS Ag*

(2)

worked out at 50% what of would have been due to him while performing his duties but for his impugned transfer. No costs."

2. The Kendriya Vidyalaya Sangathan challenged the above order passed by this Tribunal in Delhi High Court by filing CWP-2696/2002. The Delhi High Court had partly allowed the petition and set aside the order passed by this Tribunal to the extent whereby 50% of the pay and allowances had been permitted to the applicant. Rest of the order was upheld.

3. Aggrieved by the same, the Kendriya Vidyalaya Sangathan preferred a further Appeal to the Supreme Court. The Apex Court had set aside the impugned order and directed the Sangathan to issue fresh posting order preferably at a place near to U.P.

4. The applicant claims that the payment directed by this Tribunal has not been made because, according to the learned counsel, the entire order of the Delhi High Court has been set aside.

5. We find it difficult to subscribe to this view point.

6. The reasons are obvious. The Appeal before the Supreme Court was filed by the Sangathan, who was only aggrieved by the order whereby certain directions pertaining to the posting of the applicant had been passed. The question before the Supreme Court was not pertaining to the payment that was to be made. The

As Ag —————

(3)

applicant had not challenged that order. Resultantly, it cannot be termed that entire order pertaining to the payment, as directed, even had been set aside.

7. Resultantly, at this stage, there cannot be described any disobedience of the directions of this Tribunal. Contempt petition must fail and is accordingly dismissed. However, the applicant may take recourse in accordance with law.

(Govindan S. Tampi)  
Member (A)

/sunil/



(V.S. Aggarwal)  
Chairman