

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 14/2003 in OA 1364/2001

New Delhi. this the 23rd day of September. 2003

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

1.. Mahipal Singh
S/o Sh. Chhakoo Singh
TGT Hindi
Govt. Boys Sr. Sec. School
Padam Nagar.
R/o C-105. Delhi Admn. Flats
Sindhore Kalan. Delhi - 52
Delhi - 84.

2. Ms. Saroj Kumari Kalra
D/o Shri S.N.Kalra
TGT Hindi
Sarvodaya Kanya Vidyalaya
Timar Pur. Delhi - 54.
R/o 2/12E. Model Town
Delhi - 9.

...Petitioners

(By Advocate Sh. S.S.Nehra for
Sh. Kamlesh Kumar)

V E R S U S

Rajinder Kumar
Director of Education
Govt. of NCT of Delhi
Old Secretariat. Delhi - 110 054.

...Respondents

(By Advocate Mrs. Avnish Ahlawat with
Sh. Mohit Madan and Sh. Rajinder Kumar.
Director).

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan VC (J)

We have heard Sh. S.S.Nehra. learned proxy
counsel for petitioners and Mrs. Avnish Ahlawat.
learned counsel for respondents further on CP 14/2003
in OA 1364/2001.

2.. Mrs. Avnish Ahlawat. learned counsel has
explained the position with regard to the
misunderstanding by the concerned officers of the
Department, regarding the implementation of Tribunal's
order dated 16-8-2002 with reference to another order
of the Tribunal in a similar matter dated 2-1-2001 in
OA 2300/99 (Smt. Kamlesh Saini Vs. Govt. of NCT of

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Delhi). However, she has frankly admitted that in the present CP, the question is with regard to the implementation of the order of the Tribunal dated 16-8-2002 in the present OA and not the earlier OA which incidently, was not ^Bhave been brought to the notice of the Tribunal by the learned counsel for the respondents at the relevant time.

3. She has also submitted that with regard to the factual position mentioned in paragraph 2 of the Office Order No.10 dated 28-5-2003, the promotions given to S/Sh. Ram Kishan Rohilla and Rattan Lal to the post of PGT (English) had been done in pursuance of Court's orders on the basis of recommendations of the DPC on notional basis w.e.f. 14-7-2000.

4. To a question from the Bench regarding whether the cases of the petitioners in the present CP have been placed before the DPC, learned counsel for respondents has submitted that while the steps were initially taken, there is no recommendations of the DPC as such in the cases of two petitioners. She has clarified that with regard to third applicant, Sh. N.R.Dudeja, he has since been promoted ^Band in his own stream and is not one of the petitioners in the present contempt petition.

5. In the circumstances of the case, learned counsel for respondents has stated at the Bar that given further four weeks time, the Department will take steps to have ^{He B}DPC convened to consider the cases of the petitioners in terms of the aforesaid order of the Tribunal.

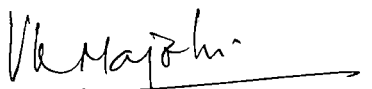
6. Taking into account the relevant facts and circumstances of the case and the submissions made by the learned counsel for the respondents, at this

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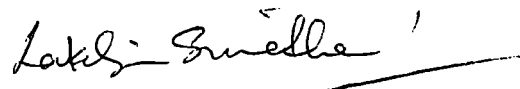
stage. we feel that further time prayed for should be granted to allow the respondents to comply with the Tribunal's order dated 16-8-2002 i.e. to convene DPC to consider the petitioners' case within four weeks. Needless to say the competent authority should pass a final order on the recommendations of the DPC in accordance with law.

7. In view of what has been stated above and the undertaking given on behalf of the respondents, we find no justification to continue with this CP.

8. CP 14/2003 is accordingly dropped. Notices to the alleged contemnors are discharged. File to be consigned to the Record Room.



(V.K. Majotra)
Member (A)



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

/vks/