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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P.No.261/2001 in O.A.No.1085/2001

Hon'ble Shri M.P.Singh, Member(Admn.)
Hon'ble Shri Shanker Raju, Member (Judicial)

New Delhi, this the 23rd day of August, 2001

Shri M.P.Yadav
s/o Shri R.L.Yadav
Lecturer in English
Govt. Boys Sr. Sec. School
DDA Flats, East of Loni Road
Delhi - 110 093.
and r/o Om Sai Apartments
D-4/UG/MIG-7, Dilshad Colony
Opposite Dilshad Garden
Delhi - 110 095.

... Applicant

(By Advocate: Shri M.C.Chawla)

Vs.

1. Dr. Prem Prakash
Deputy Director of Education
District North East
Delhi Administration
B-Block, Yamuna Vihar
Delhi - 93.
2. P.N.Malhotra
Education Officer
onw-6, Distt. North East
B-Block, Yamuna Vihar
Delhi - 93.
3. Shri K.C.Sharma
Vice-Principal
GBSS School
East of Loni Road
Delhi - 93.
4. Smt. Rekha Rani
DDO, Superintendent
GBSS School, East of Loni Road
Delhi - 93.

... Respondents


(By Advocate: Shri Rajan Sharma, through Shri
Ashwani Bhardwaj)

O R D E R(Oral)

By Shri M.P.Singh, Member (A):

Heard the learned counsel on either side.

2. On 2.5.2001 in OA No.1085/2001 an interim
order was passed directing the respondents to maintain
status-quo as of today with regard to the applicant



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until further orders. The applicant has filed present CP No.261/2001 stating that the respondents have committed contempt of the Court's order having not maintained status-quo and having manipulated their action of showing the applicant as relieved after 25.4.2001. In view of the aforesaid submission, the applicant has prayed to take suitable action against the contemnors for their non-compliance of the Court's order and harassment meted out to the applicant by withholding his pay for the month of March/April and by posting him away from the place of residence to a far off School.

3. The learned counsel for the respondents submitted that the transfer order in respect of the applicant was issued on 24.4.2001 and he was relieved on 25.4.2001. A copy of the transfer order along with the relieving order was sent to the applicant through a special messenger on 25.4.2001 but the applicant refused to accept these orders by saying that he could not accept the same without proper assistance. Thereafter both these orders were sent to the applicant by Speed Post which were returned by postal authorities as unclaimed. In any case, it is clear from the above that the applicant was aware that he has been transferred and relieved from the School but deliberately refused to accept the same.

4. After hearing both the counsel and perusing the records, we are of the confirmed view that there is no wilful disobedience of the order of the Tribunal dated 2.5.2001 in OA No.1085/2001. During the course of the arguments, the learned



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counsel for the applicant has stated that the applicant has not been paid his salary from 26.4.2001 onwards and is therefore, facing a lot of difficulties. However, the learned counsel for the respondents assures, after taking the instructions from the alleged contemnors 2 and 3, who are present in person in the Court, that the salary of the applicant would be paid within two weeks from today in accordance with rules. We order accordingly.

5. In view of the aforesaid submissions made by the learned counsel on either side, the CP is accordingly dismissed. Notices issued to the respondents are discharged.

6. A copy of this order be issued to the respondents 'DASTI'.

S. Raju

(SHANKER RAJU)
MEMBER(J)

M.P. Singh

(M.P. SINGH)
MEMBER(A)

/RAO/