

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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CP 541/2002
in
OA 717/2001

New Delhi, this the 5th day of March, 2003

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

Raj Singh Yadav
S/o Late Bhai Ram
R/o H.No.201, Gali No.4
Hari Nagar, Near Anaj Mandi
Gurgaon - 120 001.

...Applicant

(By Advocate Shri S.N.Anand)

V E R S U S

1. Shri S.K.Tripathi
Secretary
Ministry of Human Resources Development
Department of Secondary Education and
Higher Education (CDN Section)
Shastri Bhawan, New Delhi.

2. Shri H.M.Cairee, Commissioner
Kendriya Vidyalaya Sangthan
18, Institutional Area
Shahid Jit Singh Marg
New Delhi - 110 016.

...Respondents

(By Advocate Shri S.Rajappa)

O R D E R (ORAL)

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

Heard both the learned counsel for the parties
in CP 541/2002 in OA 717/2001.

2. Admittedly in pursuance of Tribunal's
order dated 8-11-2001, the respondents have convened
DPC on 28-1-2002. However, by that date, the
applicant was facing a Departmental chargesheet which
had been issued to him on 10-12-2001. Accordingly,
the recommendations of the DPC were kept in a sealed
cover.

3. The applicant had earlier filed an
application (614/2002) challenging the aforesaid
Departmental proceedings initiated against him on
10-12-2001. This OA was disposed of by Tribunal's

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order dated 27-8-2002, in which it has been held, inter alia, that till such time as the aforesaid enquiry was not completed, promotion to the post of Hindi Officer shall not be effected. Soon thereafter, the respondents have issued Office Order dated 20-9-2002 after conducting a review of the posts they require. Among other posts they have abolished the post of Hindi Officer, to which post the applicant claims appointment in pursuance of the aforesaid order of the Tribunal dated 8-11-2001.

4. After careful perusal of the aforesaid judgement of the Tribunal, action taken by the respondents, including the office order dated 20-9-2002, we are unable to agree with the contentions of the learned counsel for the petitioner that this is a fit case to proceed further in the contempt petition. The respondents have indeed carried out the directions of the Tribunal in holding the DPC and the subsequent actions taken by them are in accordance with the relevant law and rules. It is another matter that because of the peculiar facts and circumstances of the case, the action of the respondents was not justified in not giving the promotion to the applicant to the post of Hindi Officer between 28-1-2002 when the DPC was held and 26-8-2002 i.e. just before Tribunal's order which was passed in OA 614/2002.

5. In the above view of the matter, CP 541/2002 is dismissed. Notices to the alleged contemnors are discharged. However, it will be appropriate for the respondents to proceed in the

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matter in accordance with law, taking into account the above facts and circumstances and the various orders which have relevance in the matter.

V.K. Majotra

(V.K. Majotra)
Member (A)

/vksn/

Lakshmi Swaminathan

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