

Central Administrative Tribunal
Principal Bench

C.P. No. 301/97 in
C.P. No. 209/97
O.A. No. 1879/94

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Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Aahooja, Member(A)

New Delhi, this the 23rd day of March, 1998

1. Govt. Adult Schools
Part Time Teachers Association (Regd.)
through its General Secretary
Sh. A.P. Chaturvedi.

2. Sh. Onkar Singh
S/o Sh. Bhim Singh
C/o Govt. Adult Sr. Sec. School
Mori Gate
Delhi.

... Applicants

(By Mrs. Meera Chhibber, Advocate)

Vs.

Smt. Satvir Silash
Director of Education
Directorate of Education
Old Secretariate
Delhi.

... Respondents

(By Shri H.L. Jad, Advocate)

O R D E R (Oral)

Hon'ble Mr. Justice K.M. Agarwal, Chairman

In OA No. 1879/94 decided on 31.1.1997, the following directions were made:

"From the facts narrated above, it is seen that the applicants can be considered to be similarly situated as the applicants before the Supreme Court in the aforesaid case, inasmuch as they are also part-time TGT/PGT teachers who have been continuing in that capacity for a number of years.

Therefore, in the light of the Supreme Court judgment, the respondents ought to consider the applicants also for regularisation in the vacant posts of teachers after holding suitable selection post as they have held in the other cases, with relaxation of age if necessary, as they are already in employment. In other words, the respondents ought not to discriminate against the applicants, which in all other aspects they fall on all fours with the applicants in Subbash Chandra Sharma's case (Supra). The respondents shall hold the selection test for regularisation of the applicants within a period of three months from the date of receipt of a copy of this order and in the meantime the applicants shall be

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continued on the same terms and conditions. Those who are not successful in the test may be continued in service provided there are vacancies for them."

2. As the said directions were not complied with by the respondents, CP No.209/97 was filed, which was disposed of by order dated 29.8.1997 and it was observed that on the basis of order dated 28.8.1997 of the Joint Director of Education (A) produced by the respondents as the directions complained against appeared to have been substantially complied with by the respondents, while parting with, it was observed as follows:

"The order 28.8.1997 shall be given effect to."

3. By order dated 28.8.1997 made by the Joint Director of Education (A), it was notified that a decision was taken to conduct a written selection test for regularisation of the services of the applicants in the said OA for the post of Teachers. However, as no written selection test was held within a reasonable time in spite of the assurance given in earlier CP No.209/97, the applicant again filed CP No.301/97 for initiating action against the respondents for contempt of court.

4. It is not disputed that the written selection test by now has been held as mentioned by the respondents in their compliance report. However, the submission of the learned counsel for the applicant was that the result of the written test has not so far been declared. In reply, the learned counsel for the respondents submitted that just two days back from today, the results have been notified.

5. Further submission of the learned counsel for the applicant was in the matter of distribution of salaries, the respondents were following the policy of pick and

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choose. They paid salaries to a selected few and denied the salaries to others. On being objected, they subsequently paid salaries to some more employees but some other employees still have to receive their salaries. According to the learned counsel even the test held did not satisfy the applicants and a lot of discontentment against them was surfaced due to the arbitrary manner in which the test was held and the distribution of salaries made. However, these additional matters do not appear to have been subject matter of OA No.1879/94 and therefore for such matters, we are of the view that no case for contempt is made out. However, if so advised, the applicants may file a separate OA.

6. For the aforesaid reasons, we are of the view that nothing survives in this Contempt Petition. Accordingly, it is hereby dismissed. The Rule nisi against the respondents shall stand discharged.



(K. M. Agarwal)
Chairman


(R. K. Ahooja)
Member(A)

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