

(46)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 105/1998
in
O.A. NO. 2067/1995

New Delhi this the 16th day of July, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Rajesh Kumar Sharma S/O Roshan Lal Sharma,
R/O V-623/2, Arvind Nagar, Ghonda,
Delhi-110053.

... Applicant

(By Shri K. N. Bahuguna, Advocate)

-Versus-

Mrs. Satbir Silas,
Director of Education,
Directorate of Education,
Old Secretariat,
Delhi.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

There is no service report. However, service can be presumed in the light of Rule 25 (c) of C.A.T. (Rules of Practice). But in the present case what we find is that Mrs. Satbir, the Director of Education alone has been shown as respondent for purposes of these contempt proceedings. We are informed that Mrs. Satbir no longer holds her office as Director of Education.

2. Under these circumstances we looked into the nature of contempt alleged and found that the grievance is about disobedience of interim order made by this Tribunal in OA No. 2067/95 on 3.11.1995 in

Km

favour of the applicant. By that interim order, the respondents were directed to keep one post of Physical Education Teacher vacant. At the time of the order, whosoever was in office as Director of Education, will only be held guilty of contempt, if any. Officer who subsequently took over charge of the office cannot be accused of flouting the directions of the Tribunal by not keeping one post of Physical Education Teacher vacant for the applicant. Be that as it may, even if the post is not lying vacant and if the applicant succeeds in his O.A., he can be accommodated against any post or by creating a supernumerary post in his favour.

3. For the aforesaid reasons, we are of the view that there will be no point in continuing with these contempt proceedings. Accordingly, they are hereby dropped.

Km

(K. M. Agarwal)
Chairman

R. K. Ahuja
(R. K. Ahuja)
Member (A)

/as/