

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No.153/1998 in OA 1998/97

New Delhi, this 22nd day of January, 1999

Hon'ble Shri T.N. Bhat. Member(J)
Hon'ble Shri S.P. Biswas. Member(A)

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Smt. Sneh Prabha
w/o Shri R.P. Gupta
B-299, Timarpur, Delhi ... Petitioner
(By Shri B.B. Raval, Advocate)

versus

1. Smt. Nanda
Secretary (Education)
Govt. of NCT of Delhi, Delhi
2. Smt. Satbir Silas
Director of Education
Govt. of NCT of Delhi, Delhi
3. Shri L.P. Verma
Deputy Director
Govt. of NCT of Delhi, Delhi
4. Shri O.P. Nim
Vice-Principal
Patrachar Vidyalaya
Timarpur, Delhi ... Respondents
(By Shri S.K. Gupta, proxy for Shri B.S.Gupta,
Advocate)

ORDER

Hon'ble Shri S.P. Biswas

1. The petitioner, Smt. Sneh Prabha, a Trained Graduate Teacher (TGT for short) has filed this present contempt petition because of respondents' failure to comply with the following order of this Tribunal dated 14.10.97:

"The salary, if any, not paid for the period she had worked from 12.12.1996 to 28.1.1997 at District North-West, should be paid to the applicant, if not already paid, within ten days"

2. The aforesaid order got finally merged with the final order of this Tribunal in OA 1998/97 decided on 2.1.98, wherein the following orders were passed in para 7:

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"However, with regard to her salary for the period she had worked from 12.12.1996 to 28.1.1997. if not already paid to her as claimed, shall be paid to her with interest @ 12% p.a. within 2 weeks from the date of receipt of a copy of this order, failing which interest @ 18% p.a. shall be paid on the due amount till the date of payment. The respondents shall also fix responsibility for the delay in the payment of the due salary to the applicant and the interest payable on the same shall be paid by the person or persons so responsible".

3. As per petitioner, the other order the respondents alleged to have violated is with reference to para 4 of this Tribunal's order dated 2.1.98. The relevant portion is extracted below:

"In the note dated 3.2.97. DDE(CC) have recorded that, in fact, order to cancel her posting order dated 12.12.96 have not been issued and the Director of Education in his note dated 4.2.97 has approved her being shifted to the Science Branch of the Directorate. From the notings in the file submitted by the respondents, it is, therefore, seen that on review by the Director of Education, the order dated 14.1.97 posting back to Patrachar Vidyalaya has not been given effect to and she has been posted to Science Branch"

4. The petitioner alleges that her salary for the period from 12.12.96 to 28.1.97 should have been paid within 10 days from 14.10.97. Part payment was made only on 31.12.96. But salary from 1.1.97 to 28.1.97 was not paid in time forcing the petitioner to file this contempt petition on 27.4.98. During the course of oral arguments on 8.1.99, the petitioner alleged that neither the salary has been paid nor the due and drawn statement given to her. As regards the second item, the petitioner alleged that she has not been posted to "Science Branch" as per the observation of this Tribunal.

5. Based on the submissions by learned counsel for both parties, respondents were directed to produce the cheque containing petitioner's salary as well due and drawn statement from the concerned department. It was also directed that the petitioner herself should be present on the next date of hearing scheduled on 8.1.99 to receive the cheque. Despite our peremptory orders passed on 17.12.98, nothing was done by the respondents till 8.1.99 when the proxy counsel for the respondents appeared and pleaded for one more opportunity. Only as a measure of indulgence, the CP was adjourned for final hearing on 18.1.99.

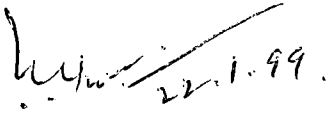
6. On 18.1.99, the learned proxy counsel for respondents Shri S.K. Gupta produced two cheques for payment of salary from 1.1.97 to 28.1.97 (Rs.4681/-) and also payment of interest @ 18% (Rs.1685/-) respectively. Shri Gupta submitted that the salary from 12.12.96 to 31.12.96 has already been paid to the applicant in the usual manner on 31.12.96. As regards violation of order pertaining to applicant's joining in the North-West District, the proxy counsel submitted that the applicant has since joined Sarvodaya Vidyalaya on 27.11.97 pursuant to order issued by the respondents on 11.11.97 (R-1). The petitioner continued to be absent on medical grounds upto 28.4.98 and thereafter also remained absent. Respondents have offered unconditional apology regarding delay in payment of the due amount to the petitioner. It is not in dispute that the salary

from 1.1.97 to 28.1.97 was to be paid within a period of 10 days from 14.10.97. This was not done till our intervention as late as 8.1.99. That apart, as admitted by the proxy counsel Shri Gupta, respondents appear to have taken no positive action in fixing responsibility in the matter of delayed payment of salary due to the applicant as well as recovery of interest amount paid to the applicant from those persons responsible for the undue delays. We were told that respondents were still on the job and would recover the amount of interest from the officials who would be found at fault.

7. We do not find any lapses on the part of the respondents in ordering transfer of the applicant to North-West District where she has apparently joined and worked upto 28.4.98. Admittedly, respondents, however, failed to comply with our order in making payment of salary (from 1.1.97 to 28.1.97) as well as fixing responsibility. We do not find any reason, much less convincing ones, that could persuade us to ignore such lapses. The contempt petition is, therefore, disposed of with costs which is fixed at Rs.500/-. This amount shall be paid to the petitioner within a period of six ² weeks from the date of issue of this order.

8. The CP is disposed of as aforesaid and the notice discharged.


(S.P. Biswas)
Member(A)


(T.N. Bhat)
Member(J)

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