

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 29/1998
in
O.A. NO. 1811/1997
R.A. NO. 218/1997

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New Delhi this the 24th day of February, 1999.

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

HON'BLE SHRI N. SAHU, MEMBER (A)

Smt. Kanta Bhatia,
Sr. Language Teacher (Retd.),
R/O H.No. 1045 GH-13,
Paschim Vihar,
New Delhi - 110041.

... Applicant

(By Shri K. P. Dohare, Advocate)

-Versus-

1. Shri P. V. Jaikrishnan,
Chief Secretary,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi-110054.
2. Shri D. S. Negi,
Secretary Services,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi-110054.
3. Smt. Satvir Silas,
Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi-110054.
4. Smt. Mahindra,
Dy. Director Education,
West District, Govt. of NCT of Delhi,
Moti Nagar,
Delhi.

... Respondents

(By Shri S. K. Gupta for Ms. Jyotsna Kaushik, Adv.)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Learned proxy counsel for the respondents'
counsel made a prayer for adjournment on the ground

Jm that she is not well today.

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2. Before taking a decision on the request for adjournment, we wanted to know if any reply was filed on behalf of the respondents. We were informed that it was so filed on 2.12.1998. The learned counsel for the applicant submitted that they have referred to 1992 order of DPC which was filed as a document along with the C.P. and, therefore, the counter cannot be taken as compliance report for and on behalf of the respondents.

3. Under the circumstances aforesaid, we went through the orders in OA No. 1811/97 and RA No. 218/97 which form the basis of the C.P.

4. The O.A. was dismissed at the admission stage itself with a direction to the respondents to grant retiral benefits to the applicant as expeditiously as possible in accordance with rules.

5. That order shows that the claim raised by the applicant was for grant of senior selection grade in the pay scale of Rs.2000-3500. The claim was dismissed but the applicant was given liberty to file representation if she considered herself eligible for senior selection grade, with a direction to the respondents to dispose of such representation within a fortnight from the date of receipt of any such

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representation. In RA No. 218/97 the order in O.A. was modified to the extent of permitting additional pleas to be raised by the applicant in her representation.

6. The learned counsel for the applicant submitted that pursuant to the liberty given by the Tribunal in O.A. and the R.A. aforesaid, representation was made on 3.10.1997.

7. In the light of the aforesaid submissions, we went through the counter filed on behalf of the respondents and we find that that representation was disposed of by order dated 13.8.1998 which has been filed as Annexure R/CP-1. The only direction made in O.A. and R.A. was to consider and decide the representation. There was no direction that it should be decided in favour of the applicant or with reference to any particular DPC or in a particular manner. We feel satisfied that the order has been sufficiently complied with. We, therefore, find no basis to further continue with this contempt petition. Accordingly, we direct the C.P. to be dismissed as having become infructuous. Rule nisi, if any, shall stand discharged.

8. The learned counsel for applicant wanted to make further submissions but we refused to hear him further because we are of the view that contempt is a matter strictly between the Tribunal and the

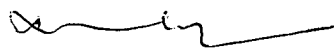
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contemner. We may also observe that these are the evil consequences that flow if we pass casual orders giving liberty to the parties to make representations and directing the respondents to dispose of them all within a particular date. We reiterate that after having refused further hearing on the application for contempt, we affirm our earlier order of dismissal of the C.P., as it has become infructuous. No permission to file fresh O.A. can be given.

9. After we took up another two cases and disposed them of, again the learned counsel for applicant submitted that there is a Supreme Court decision to say that the applicant may file fresh O.A. if C.P. is dismissed and, therefore, we must give permission to him. We refuse to do so. If he has a right, he may do so and it can be seen at the time of hearing on admission of the O.A. so filed. Accordingly, further prayer made on behalf of the applicant is overruled and rejected.



(K. M. Agarwal)
Chairman



(N. Sahu)
Member (A)

/as/