

Central Administrative Tribunal, Principal Bench
New Delhi

C.P. No.30/1998 IN
M.A. No.1996/2001 IN
O.A. No.1459/1997

New Delhi this the 16th day of July, 2002

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Sh. Chuttan Singh

- Applicant

(Applicant in person)

Versus

1. Dr. (Mrs.) Satbir Sailas,
Director of Education,
Govt. of Delhi., Delhi.
2. Sh. M.C. Mathur,
Jt. Dir. of Education (Planning),
(Formerly Dy. Director of Education,
Distt. East)
Govt. of Delhi
Old Sectt., Delhi.

- Respondents

(By Advocate : Shri Vijay Pandita)

ORDER (ORAL)

Mr. Shanker Raju, Member (J)

By an order dated 29.8.1997, OA No.1459/1997 was allowed with a cost of Rs.1,000/- against the respondents. The respondents have cancelled their office order dated 18.3.1997. The petitioner's salary for the period from 1.4.1997 to 30.9.1997 stopped upto 7.11.1997. The petitioner was allowed to join the post of Lecturer in the Sarvodaya Kanya Vidyalaya, Mandawali, Delhi against the vacant post of Lecturer (Maths) in Sarvodaya Kanya Vidyalaya, West Vinod Nagar, which is not in accordance with the directions issued by this Tribunal. Against the order of transfer and posting, the petitioner filed another OA No.2830/1997 and the Tribunal vide its order dated 5.12.1997 stayed the operation of the impugned order dated 21.11.1997.

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Thereafter the respondents have filed MA NO.2033/2830 in OA No.2830/1997 sought for vacation of interim order dated 5.12.1997 on the ground that as no student has opted for this subject in Class XI and XII for the academic years 1997-98 and 1998, the services of the petitioner were not required in SKV, Mandawali and the Tribunal vide its order dated 16.2.1999 vacated the aforesaid interim order. the applicant filed the present contempt petition NO. 30/1998 in OA No.1459/1997 for non-compliance of the Tribunal's order dated 29.8.1997 by the respondents. The salary for the months from October 1997 to Jan., 1998 was worked out by the respondents and handed over to the petitioner but he refused to accept himself the salary cheques and also salary for the month of February 1998 could not be drawn due to non acceptance of the petitioner. Ultimately thereupon the respondents challenged the order dated 24.7.1998 in CP No.30/1998 in OA NO.1459/1997 by filing CWP No.4087/1998 before the High Court and by an order dated 4.8.2000 disposed of the CWP in view of the order dated 16.2.1999 passed by this Tribunal in MA No.2033/1998 in OA No.2830/1997. Thereupon, the petitioner was disbursed the salary for the period from 1.10.1997 to February 1998 and this period was also treated as spent on duty for all purposes. Contention of the petitioner is that he is entitled for grant of interest due to non-payment of his salary in time by the respondents and the same was delayed only due to the fault of the respondents.

2. On the other hand, learned counsel for the respondents Shri Vijay Pandita brought to our notice

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undertaking given by the respondents on 22.1.2001 wherein it has been stated that period from 1.4.1997 to 29.8.1997 to treat as spent on duty. It is stated that in this view of the matter, the decision of the Tribunal has been complied with in letter and spirit, and if any cause of action still subsists, the same cannot be pursued in the Contempt Petition and therefore, the Contempt Petition is liable to be dismissed.

3. We have heard both learned counsel for the parities.

4. In our considered view, the respondents have not committed any willful and contemptuous disobedience of the Tribunal's order, we find that respondents have substantially complied with the Tribunal's order by releasing the salary of the petitioner for the relevant period and treated the aforesaid period as spent on duty. The petitioner has not sought any interest in the OA for the delayed payment of his salary for the aforesaid period. Therefore, there is no question of considering the grant of interest on the delayed payment in the Contempt Petition.

5. We are of the confirmed view, in view of the ratio laid down by the Apex Court in the case of J. S. Parihar Vs. Ganpat Duggar & Ors. JT 1996 (9) S.C. 611 that a new relief or cause of action cannot be agitated in a Contempt Petition.

6. In this view of the matter, the present CP is dismissed as directions of the Tribunal have been substantially complied with by the respondents. Notices are discharged. However, this would not preclude the petitioner to assail his further grievances in a proper proceedings in accordance with law, if so advised.

S. Raju

(Shanker Raju)
Member (J)

MP Singh
(M.P. Singh)
Member (A)

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