

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 85/1998
in
O.A. NO. 2707/1993



New Delhi this the 3rd day of June, 1998.

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

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

Shri K. D. Bahuguna
S/O late A. D. Bahuguna,
R/O M-285, Sarojini Nagar,
New Delhi-110023.

... Applicant

(By Shri K. N. Bahuguna, Advocate)

-Versus-

1. Mrs. Satbir Shailesh,
Director of Education,
Old Secretariat,
Delhi.
2. Shri V. K. Sharma,
Deputy Director of Education,
South-West District,
C-Block, Vasant Vihar,
New Delhi.

... Respondents

(By Shri S. K. Gupta, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for parties.

2. This is a contempt petition with an allegation that the directions made by this Tribunal in OA No. 2707/93 decided on 20.11.1997 were not complied with by the respondents.

3. The operative portion of the order runs as

It follows :

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"...The learned counsel for the respondents did not expect that the matter would be reviewed by the respondents suo-moto and prayed for appropriate orders in this behalf. In the light of these submissions, this OA is disposed of with a direction to the respondents to undertake the review of the case in the light of the order passed by the respondents in the case of Ram Kishan and on the basis of the facts and circumstances of the case of the petitioner and pass suitable orders in this behalf within a period of two months from the date of receipt of a copy of this order. If the applicant is still aggrieved by this order, it will be open to him to agitate the same through appropriate original proceedings in accordance with law."

4. The applicant has also filed a copy of order dated 2.3.1998 passed by the respondents. In this order it is mentioned that in the appellate order in case of Shri Ram Kishan he was exonerated not on merits but on the ground that the enquiry was not properly conducted and that on that of violation of principles of natural justice. Thereafter, the order shows that pursuant to the order of the Tribunal the enquiry would be conducted in a proper manner in the light of the observations made by the appellate authority.

5. The learned counsel submitted that already the enquiry officer had submitted his report on 2.4.1997 and, therefore, no such amendment in the charges could be made or direction could be made for de novo enquiry, as sought to be done by the order dated 2.3.1998.

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6. We refrain from expressing any opinion about the legality or otherwise of the order passed on 2.3.1998 by the respondents. Here we are concerned with the contempt petition. The direction was for passing suitable orders within a period of two months from the date of receipt of a copy of the Tribunal's order in the light of the order passed in the case of Ram Kishan. That compliance has been made and, therefore, according to us no case is made out to continue further with these contempt proceedings. However, if the applicant feels that the order is bad on such grounds as he may take up, his remedy is to file a fresh original application and not an application for contempt.

7. Accordingly this contempt petition is dismissed. The rule nisi shall stand discharged. However, the applicant shall be at liberty to file a fresh application, challenging the aforesaid order dated 2.3.1998 passed by the Director of Education with subsequent modification dated 8.5.1998.

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(K. M. Agarwal)
Chairman

R. K. Ahoja

(R. K. Ahoja)
Member (A)

/as/