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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP149/2001
in
OA2587/2000

New Delhi this the 30th day of May, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri S.A.T. Member (A)

Surendra Kumar,
P.G.T. (Hindi),
Kendriya Vidyalaya,
Raiwala, Dehradun.

..Petitioner

(By Advocate Shri Anil Srivastava

VERSUS

H.M. Cariae,
The Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

..Respondent

(By Advocate Shri S. Rajappa)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

We have heard both the learned counsel on CP 149/2001 in OA 2587/2000.


2. This C.P. has been filed by the petitioner in which he had averred that the respondents have wilfully disregarded and disobeyed the directions of the Tribunal contained in the interim order dated 13.12.2000 in OA 2587/2000.

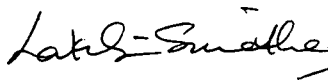
3. Learned counsel for the respondents has submitted that in terms of the aforesaid order of the Tribunal dated 13.12.2000, the representation given by the petitioner had been disposed of within the allotted 15 days time i.e. on 4.1.2001. Learned counsel for

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the petitioner does not dispute the fact that the same has been intimated to the petitioner. This fact ought to have been brought to the notice of the Tribunal when the case was listed on 12.1.2001. which has unfortunately not been done by the learned proxy counsel for the respondents. Learned counsel for the respondents has submitted that the respondents had understood that as they have disposed of the applicant's representation within the time of 15 days in terms of the Tribunal's order dated 13.12.2000, the applicant had been relieved from KVS Raiwala w.e.f. 9.2.2001. Taking into account the facts and circumstances of the case and the order dated 13.12.2000, we are unable to agree with the contention of Shri Anil Srivastava, learned counsel for the petitioner, that there has been any wilful or contumacious disobedience of the Tribunal's order which justifies any further proceedings against the respondents. During the hearing, learned counsel for the respondents has submitted that upto 9.2.2001 the applicant would be considered as continuing in KVS Raiwala and his services would be accordingly regularised in that post, in accordance with the rules.

4. In the above facts and circumstances of the case, CP 149/2001 is dismissed as there appears no justification to proceed in the matter against the respondents. Notices issued to the alleged contemnors are discharged. File be consigned to the record room.


(S.A.T. Rizvi)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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