

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. NO. 242/2007

in

O.A. NO.372/2000

New Delhi this the 18th day of July, 2007

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mrs. Neena Ranjan, Member (A)

Shri B.K. Vashishta,
S/o Shri P. Singh,
R/o House No. B-50, Gali No.2,
North Chhajjupur,
Shahdara, Delhi-110094.

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Applicant.

(By Advocate Shri Amit Anand)

Versus

1. Shri R. Narayan Swamy,
Govt. of NCT of Delhi,
Through Chief Secretary,
Govt. of NCT of Delhi,
5-Sham Nath Marg,
Delhi-110006.
2. Smt. Reena Ray,
The Secretary Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110007.
3. Shri Vijay Kumar,
Director of Education,
Directorate of Education,
Old Secretariat,
Delhi-110007.
4. Madiam Vyas,
Joint Director of Education (Admn.),
Directorate of Education,
Establishment Branch-II,
Old Secretariat,
Delhi-110007.

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Respondents.

ORDER

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)

By order dated 14.11.2006 in OA 372/2000, a Bench of this


Tribunal had directed the respondents to consider the applicant's case

for promotion to the post of Post Graduate Teacher (PGT) from the

date his junior had been given promotion if otherwise found suitable and provide him all consequential service benefits.

2. Consequent to the direction, Additional Director of Education had issued an order on 21.2.2007. The claims had been rejected, and the present application is filed pointing out that the order as above is not in compliance with the directions and perhaps the officers have sat in judgment over the directions passed by the Tribunal, and have only reiterated contentions, which, in the earlier proceedings, were found as not tenable. Mr. Amit Anand, with particular reference to Paragraphs 4 to 6 of the order of the Tribunal, attempted to show that the defence put in the earlier round of litigation stood rejected, but even as of now, the respondents were harping on the same lines and, therefore, they should be hauled up for the contumacious conduct under the Contempt of Courts Act.

3. We are not convinced that there is any actionable contumacious conduct, especially since it was a case where the Tribunal had not pronounced upon any questions of facts, as suggested by the counsel. In a lis, Tribunal is not expected to bind the hands of the parties without a full and complete adjudication. The claims of the applicant have been rejected prima facie showing circumstances, which are relevant. May be on a detailed scrutiny, the applicant will be able to show or establish that the premises on which such orders are passed, might be wrong and perhaps even unwarranted. But that is no reason for us to enlarge jurisdiction under the Contempt of Courts Act. Therefore, leaving liberty to the petitioner to move appropriately as may be advised, the present application is closed.


(Mrs. Neena Ranjan)
Member (A)
'SRD'


(M. Ramachandran)
Vice-Chairman (J)