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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

CP NO. 311/2001 IN  
OA NO. 295/2000

This the 30th day of April, 2002

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. J.P.S. Rathore,  
S/o Late Sh. C.L. Singh,  
R/o C-23, Mahendra Park,  
Pankha Road,  
New Delhi-110059.  
(By Advocate: Sh. R.K. Gupta)

Versus

1. H.M. Cairai,  
Commissioner,  
Kendriya Vidyalaya Sangthan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016.
2. Shri P.K. Aggarwal,  
Deputy Commissioner (Admn.),  
Kendriya Vidyalaya Sangthan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016.
3. Shri H.P. Rajguru,  
Inquiry Officer,  
E-8/14, Bharat Nagar,  
Bhopal-16.  
(By Advocate: Sh. S. Rajappa)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard.

2. Vide order dated 10.7.2000, OA was disposed of with the direction to the respondent to revoke the suspension order of the applicant dated 2.6.98 and reinstate him in service forthwith and to complete the enquiry against the applicant within a period of three months. In the present CP, applicant complains that since the directions given in the OA have not been complied with so he prays that the respondents are liable for punishment as per provision of Section 17 of the Contempt

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of Courts Act and he prays for initiating contempt proceedings against the respondents and the respondents be punished.

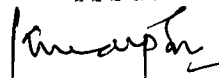
3. We have heard the learned counsel for the applicant. Applicant pointed out on immediately receiving of the order he had received a letter from enquiry officer to attend the departmental enquiry on 24th, 25th and 26th August, 2000 at Gwalior. In compliance of the directions of the enquiry officer he reached Gwalior alongwith his Defence Assistant. but enquiry officer was not present and no proceedings were held. Again he received another letter for holding an enquiry on 26.9.2000 at Bhopal. There also he reached but enquiry proceedings could not be completed. The enquiry officer himself has filed an affidavit stating therein that at the time of fixing the date of enquiry applicant by his letter dated 11.8.2000 applicant objected that the orders for continuing the enquiry was not issued by the disciplinary authority and he has to seek clarification from the Commissioner, KVS. So the enquiry was postponed and the same was telegraphically intimated to the applicant. After that a telegram was received from the applicant seeking confirmation regarding postponement of enquiry. In these circumstances it shows that there was no occasion for the applicant to attend the enquiry at Gwalior. After that enquiry officer issued a letter dated 8.9.2000 to the applicant to appear before the enquiry on 26.9.2000 at KVS, Bhopal alongwith his Defence Assistant. Enquiry was held at Bhopal but could not be completed. It shows that there is no wilful disobedience on the part of the respondents. However, it is on record that enquiry could not be completed.

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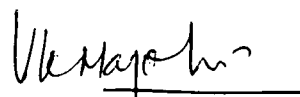
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4. In these circumstances, we find that prima facie no contempt have been committed. Hence, respondents cannot be prosecuted for contempt. However, we direct the respondents to complete the enquiry within a period of 3 months from today. It is pointed out to us that applicant is residing in Delhi so we direct the respondents to hold the enquiry as per the convenience of the applicant at Delhi. If the respondents so desire, they may change the enquiry officer. Enquiry should be strictly completed within 3 months. And we expect that applicant should also cooperate with the respondents in completing the enquiry. CP disposed of.

Issue dasti.

  
( KULDIP SINGH )  
Member (J)

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( V. K. MAJOTRA )  
Member (A)