

CP No. 291/31/2020 in (OA No. 291/732/2019) &
MA No. 291/428/2020 in (CP No. 291/31/2020)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Contempt Petition No. 291/31/2020
in
(Original Application No. 291/732/2019)
&
Misc. Application No. 291/428/2020
in
(Contempt Petition No. 291/31/2020)

Date of Order: 04.09.2020

CORAM

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER

Arjun Singh Rajpurohit son of Shri Asu Singh Rajpurohit, aged about 43 years, resident of Plot No. 64-A, Hanuman Nagar, Block-E, Vaishali Nagar, Jaipur, presently working on the post of PGT (Chemistry), Kendriya Vidyalaya Air Force Station, Utarlai, District Barmer (Rajasthan).

...Applicant

(Shri Mahesh Kalwania, counsel for petitioner - through Video Conference)

Versus

Shri Santosh Kumar Mall, Commissioner, Kendriya Vidyalaya Sangathan, through its Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – PIN-110016.

...Respondent

(Shri Hawa Singh, counsel for respondent – through Video Conference)

CP No. 291/31/2020 in (OA No. 291/732/2019) &
MA No. 291/428/2020 in (CP No. 291/31/2020)

ORDER (Oral)

Per: Hina P. Shah, Judicial Member

The present Contempt Petition has been filed for alleged non-compliance of the order dated 28.11.2019 passed in Original Application No. 732/2019 by which the Original Application was disposed of with following directions:-

"Accordingly, the present Original Application is disposed of with a direction to Commissioner, Kendriya Vidyalaya Sangathan, New Delhi to take a decision over the applicant's pending representation dated 21.05.2019 and pass a reasoned and specking order over the same in accordance with the policy guidelines in vogue. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order."

2. The petitioner states that the order of this Tribunal has not been considered by the respondent so far in true sense as per the directions given by the Tribunal. The respondent is deliberately and intentionally flouting the order of this Tribunal. Therefore, the respondent is liable to be punished for contempt of court.

3. The respondent submitted that he has highest regard to the orders and directions of this Tribunal and that he never

**CP No. 291/31/2020 in (OA No. 291/732/2019) &
MA No. 291/428/2020 in (CP No. 291/31/2020)**

intended to commit any wilful disobedience of any of the orders and directions given by this Tribunal. He further added that if this Tribunal ultimately reaches to a conclusion that any disobedience or contempt has been committed by the respondent, he tenders his unconditional apology for the same.

4. The respondent further by way of filing Misc. Application No. 291/428/2020 stated that in compliance of the said directions of this Tribunal, an order dated 18.03.2020 (Annexure MAR/1) has been passed by the respondent. Therefore, respondent stated that as per the directions issued by the Tribunal, he has acted with due diligence in complying the orders of this Tribunal. It is further stated by the respondent that the case of the petitioner was considered by the competent authority and acceded to for transfer to Kendriya Vidyalaya No. 1, Jaipur against available vacancy w.e.f. 01.04.2020. It has also been pointed out by the respondent that the petitioner has joined at the transferred place at KV No. 1, Jaipur on 19.06.2020, which reveals from letter dated 19.06.2020 (Annexure MAR/2). In the aforesaid Misc. Application, a prayer has been made by the respondent to allow the same and pass appropriate order to take documents dated 18.03.2020 and 19.06.2020 on record.

**CP No. 291/31/2020 in (OA No. 291/732/2019) &
MA No. 291/428/2020 in (CP No. 291/31/2020)**

5. The respondent stated that he has not flouted any orders of this Tribunal intentionally or deliberately as claimed in the present Contempt Petition. The directions of this Tribunal are complied with in its true spirit. Therefore, there is no question of any contempt and the present Contempt Petition deserves to be dismissed and notice is required to be discharged.

6. Heard the learned counsels for both the parties.

7. After considering the matter of alleged disobedience of the order of this Tribunal, we are of the view that the order of this Tribunal has been complied with by the respondent and we do not find wilful or deliberate disobedience on the part of the respondent. Pursuant to directions issued by this Tribunal vide order dated 28.11.2019, the respondent has passed order dated 18.03.2020 and the petitioner has also joined at Kendriya Vidyalaya No. 1, Jaipur on 19.06.2020.

8. Misc. Application No. 291/428/2020 is allowed. Accordingly, copies of the order dated 18.03.2020 (Annexure MAR/1) and letter dated 19.06.2020 (Annexure MAR/2) are ordered to be taken on record.

CP No. 291/31/2020 in (OA No. 291/732/2019) &
MA No. 291/428/2020 in (CP No. 291/31/2020)

9. In view of the above, we do not find any wilful or deliberate disobedience on the part of the respondent and the Contempt Petition is liable to be dismissed, which is, accordingly, dismissed. Notice issued is discharged.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

Kumawat