



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**
C.P.NO.063/00009/2020 IN
O.A.NO.063/00926/2017
(Reserved on: 28.02.2020)
Chandigarh, this 09.07.2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINA JAYASEELAN, MEMBER (A)**

Khem Raj Verma

S/o Late Sh. Moti Ram,

R/o Village Sajjari,

P.O. Sainj,

Tehsil Suni, District Shimla, H.P.

....Petitioner

(Argued by: **MR. SANJIV BHUSHAN, SR. ADVOCATE WITH
MR. RAJESH KUMAR, ADVOCATE**)

Versus

1. Sh. Amit Khare, Secretary, Department of Higher Education, Ministry of Human Resource and Development, Room No. 127, C Wing, Shastri Bhawan, New Delhi-110001.

(By: **MR. ANSHUL BANSAL, ADVOCATE**)

2. Prof. Makrand R. Prajape (Director), Indian Institute of Advance Study , Shimla, H.P.-171005.
3. Sh. Vijay K. Tiwari, Secretary, Indian Institute of Advance Study , Shimla, H.P.-171005.

(By : **MR. NEERAJ GUPTA, SENIOR ADVOCATE, WITH
MR. PRANJAL MUNJAL, ADVOCATE**)

Respondents



ORDER
[HON'BLE SANJEEV KAUSHIK, MEMBER (J)]

1. The petitioner has approached this Tribunal by filing the instant Contempt Petition for taking action against the respondents for violation of order dated 22.4.2019 in M.A.No.063/680/2019.
2. The O.A. was disposed of as withdrawn vide order dated 7.3.2019 as respondents had given an assurance to consider the case of the petitioners, as per law. The petitioner No.1 was asked not to come for duties on 29.3.2019 and qua others, they were asked not to come for duties on 31.3.2019, orally. They were allegedly asked to give willingness to serve through outsourcing and to submit unconditional apology for approaching a court of law.
3. The petitioners filed M.A.No.063/679/2019, for directing the respondents to allow them to continue on working on their respective posts, on contractual basis till disposal of the O.A. The respondents were directed to allow petitioners to continue to work till the next date of hearing, vide order dated 22.4.2019. Thus, COCP No.063/00093/2019 was filed upon which respondents allowed petitioners to join their duties on 21.6.2019 and ultimately, contemners were discharged of contempt vide order dated 8.11.2019, with liberty to



agitate qua surviving grievance (two months salary) in the O.A. The services of petitioner were disengaged w.e.f. 21.12.2019. Hence, the C.P.

4. The respondents in their reply submit that petitioner was re-engaged in compliance to order dated 22.4.2019 and he served till last day of his contract i.e. 20.12.2019. He was served with three show cause notices. The respondents tried to settle the issue on their own level, but petitioners did not cooperate and as such efforts could not bore any fruits. In fact, it is petitioners who flatly refused various offers that were being made and thereafter by making reckless and wild allegations and they sought restoration of the O.A., which was allowed. The petitioner No.1 was on contract basis w.e.f 21.10.2018 to 20.3.2019 and due to interim orders dated 22.4.2019, he was engaged on contract basis w.e.f. 21.6.2019 to 20.12.2019. He has indulged in indiscipline and refused to pay heed to requests made by superior officers. In fact, he has indulged in indiscipline due to which show cause notices were issued and his contract was not renewed. However, due to interim orders, his contract period was renewed by the authorities. After contract period from 21.6.2019 to 20.12.2019 was over, it was consciously



decided not to re-engage the petitioner No.1, and as such there is no contempt on the part of the respondents.

5. We have considered the pleas raised by both the sides at length and examined the material on file.

6. The Original Application has been disposed of by an order of even date, directing the respondents to consider the claim of petitioners No.1to5 for appointment against available vacancies, whereas O.A. qua other two petitioners has been dismissed. Thus, interim order has merged in the indicated order. Considering that the petitioners were engaged on contract basis only, which was extended from time to time, we do not find any contempt made out, at this stage, against the respondents.

7. In the wake of above, this C.P. is closed for the time being. Notices shall stand discharged.

(NAINA JAYASEELAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 09.07.2020

HC*