

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

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CCP.No.36/87
O.A.No.929/86.

Smt. Radha Verma Vs. Union of India.

Petitioner through Shri K.N.R. Pillai, counsel.

Respondents through Shri M.M. Sudan, counsel.

17.9.1987

This is a petition for initiating contempt of court proceedings against the respondents who are Secretary, Department of Education, Delhi Administration, Additional Director (Admn.), Directorate of Education and Miss. Kamal Vasudeva, Principal Govt. Co-educational Teachers Training Institute, Daryaganj, Delhi, for defying the orders of this court dated 19th March, 1987 in O.A. No. 929/86. In that application, the petitioner had made a Misc. petition bearing No. 291/87 in which she had averred that since the filing of the application by her before the Tribunal, the respondents had become more hostile to her and to harass her further, they had threatened to transfer her from the Govt. Co-educational Teachers Training Institute, Daryaganj and that such a transfer, if it takes place, would cause great hardship to her. On the strength of the said petition, an order was made by this court on 19th March, 1987 restraining the respondents not to transfer the applicant till the next date of hearing, viz. 2.4.1987. The said ad interim order was allowed to continue till the next date of hearing vide order dated 2.4.1987.

2. The grievance of the petitioner in this petition is that she approached the Principal of the Institute on 21st March, 1987 alongwith copy of the order of the court but she refused to entertain the same and did not permit her to join the Institute. Even after the order dated 2.4.1987, the respondents did not permit her to join the Institute although an order was made by the Director on 14.4.1987 allowing her to continue in the T.T.I. till further order. The/grievance of the petitioner is that even though she had been reporting at the T.T.I., she was not permitted to mark her attendance by respondent No. 3. She further states that order dated 14.4.1987 was suppressed and was never served on her. She alleges that even the Director never disclosed the factum of the passing of the said order and it was only when its copy was filed in the Court alongwith counter of the respondents that she came to know about it.

3. In the reply to the contempt application, the respondents have urged that the petitioner was guilty of suppressing the material facts from this Court when she obtained the order dated 19.3.1987 inasmuch as the petitioner had already been transferred from the Institute to District South vide order dated 8.8.1986 of the Directorate of Education, Delhi Administration. Further, according to them, she was relieved on 21st August, 1986 upon the joining of Smt. Swarn Lata Sharma as her successor. Of course, it is admitted that the petitioner was on leave at the relevant time but the submission of the respondents is that the Institute had to be run and it could not be just closed down because she happened to be on leave. Further, according to the respondents, in partial modification of office order dated 8th August, 1986, the/petitioner

was transferred from District South to District North vide order dated 22nd September, 1986. However, she suppressed all these facts from the court and got the ad-interim order dated 19.3.1987 in her favour.

4. As for the contempt part, the respondents contend that the Principal simply told the petitioner to report to the Directorate because having been relieved from the Institute, she could not permit the applicant to join the Institute. Further, the Director passed an order on 14th April, 1987 allowing the petitioner to continue in the TTI till further orders which was received by the Principal on 16th April, 1987 and therefore, on the previous day, viz. 15.4.1987, the Principal told the petitioner to report to the Director for duty and she could not permit her to join the Institute. The respondents assert that after the said order, the petitioner never reported for duty and instead, she has filed the present contempt petition on 15.4.1987.

5. In the rejoinder filed by the petitioner, she alleges that she had been attending the school but she was not allowed to mark the attendance in the appropriate register.

6. Since all these are controversial facts and require probe and scrutiny, it is not possible for us to determine the element of contempt without recording evidence of controversial nature. One thing which is quite clear is that the petitioner had been transferred earlier from the Institute and that fact was not disclosed to the Court when order dated 19.3.1987 was passed. May be, that she had not been served the said order, as is sought to be made out by the petitioner before us, but we



decline to go into that question too, at this stage.

The grievance of the petitioner that she was not allowed
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to join the Institute/is vehemently controverted by the
respondents, is again a matter of evidence and it is
open to the petitioner to seek relief for non-payment of
salary etc. by means of a substantive application rather
than come to the court in this indirect manner and force
the contempt of Court proceedings on the respondents.

So, without deciding as to which of the parties is at
fault, we decline to initiate the contempt of court
proceedings as not expedient in the interest of justice.

Dismissed.

✓ 17/9/87
(BIRBAL NATH)
Member (A)
17.9.1987

J. D. Jain
(J.D. JAIN)
Vice-Chairman
17.9.1987