

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 09th day of April 2002

Contempt Application No. 133 of 2001
in
Original Application No. 1214 of 2000.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Smt. Vibha Srivastava.

... Applicant

By Adv : Sri S. Singh

V E R S U S

Sri M.S. Verma, Assistant Commissioner,
Dendriya Vidyalaya Sangathan, Lucknow
and Others.

... Respondents

By Adv : Sri N.P. Singh

O R D E R

Hon'ble Maj Gen K.K. Srivastava, Member (A).

By order dated 25.4.2001 the order of compulsory retirement was stayed and when the respondent did not take the applicant on duty, the applicant filed Contempt Application no. 133 of 2001, under section 17 of A.T. Act, 1985. When the respondent failed to comply with the order of this Tribunal, the notice was issued to respondent no. 1 vide order dated 3.9.2001 to appear in person on 27.9.2001. On 27.9.2001 the case was adjourned due to non sitting of the Bench and the case was listed on different dates. However on same or other ~~pretext~~ the same was adjourned.

2. The respondent has filed suppl counter affidavit on 27.9.2001 and have averred in para 6 that the respondents

// 2 //

orders were passed on 21.9.2001 in compliance of this Tribunal's order dated 25.4.2001 directing the applicant to join at K.V. OCF, Shahjahanpur on the post of LDC against zero vacancy. The applicant joined on the said post on 3.10.2001. Learned counsel for the applicant submitted that when the order was passed by this Tribunal on 25.4.2001 staying the operation of order of compulsory retirement dated 27.9.2000, the applicant should have been immediately called to join the duty. The respondents have deliberately disobeyed the order of this Tribunal and ultimately, when the contempt notice was issued for appearance in person then the action was initiated. In fact, the respondents have committed contempt by not paying the salary of the applicant for the period from the date she was ordered to be compulsorily retired to the date she was taken back on duty on 3rd Oct 2001.

3. We have perused the various documents and we are of the opinion that the respondents have ultimately complied with the direction of this Tribunal dated 25.4.2001. However, as regards the payment of the salary for the period from 27.9.2000 till 2.10.2001, the same is subjected to final decision in the OA. We therefore, discharge the notice as no contempt is made out.

4. There shall be no order as to costs.


Member J


Member A

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