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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

CIVIL CONTEMPT APPLICATION NO. 141/2004

IN

ORIGINAL APPLICATION NO. 953 OF 2002

ALLAHABAD, THIS THE 26th DAY OF OCTOBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

HON'BLE MRS. ROLI SRIVASTAVA, MEMBER(A)

Anil Kumar

.....Applicant

(By Advocate : Shri R.C. Johri

Shri S. Gosain

V E R S U S

1. Shri D.K. Kathiayan Commissioner
Kendriya Vidyalaya Sangathan,
118 International Area Saheed Jeet Singh
Marg, New Delhi.
2. Sri D. Purohit Principal Kendriya
Vidyalaya Diesel Locomotive Work
Post Box No.11 Police Station, Manduadih
Varanasi.
3. Dr. U.N. Singh,
Asstt. Commissioner Regional Office,
Kendriya Vidyalaya Sangathan, Kankarbagh,
P.O. Lohianagar, Patna Bihar.

.....Respondents

(By Advocate : Shri

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O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

This Contempt Petition has been filed by the
applicant claiming disobedience of the order dated 28.01.04

It is submitted by the applicant's counsel that by the above order this Tribunal had allowed the O.A. by quashing the impugned order therein dated 01.02.2002 & appellate order dated 04.06.2002. Respondents were directed to reinstate the applicant within 4 weeks from the date of communication of the order. The period from the date of dismissal to the date of reinstatement was to be regularised by the respondents by passing appropriate order. However, liberty was given to the respondents to initiate fresh disciplinary proceedings against the applicant, if warranted, and finalise the same in accordance with law.

2. It is submitted by the applicant that pursuant to the Judgment given by this Tribunal applicant was reinstated with immediate effect at KVS RAU Pusa without prejudice to initiate fresh disciplinary proceedings against the applicant. Thereafter vide order dated 12.04.2004 an order was issued whereby the period from 01.02.2002, the date of dismissal to reinstatement was regularised as periods spent on duty in accordance with provision as laid down in FR-54(b). It was further stated therein that accordingly, he will be paid full pay & allowances (Pg.51).

3. Grievance of the applicant in this case is that inspite of having issued this order neither his pay and allowances have been paid to him till date nor he is paid his salary and he has been transferred to a far-off place where there is threat to his life. He has, thus prayed, that action against the respondents may be taken for committing Contempt of Court.

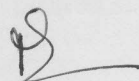
4. The scope of contempt petition is very limited as we have only to see, whether instructions given by this Tribunal have been complied with or not. This Tribunal had given two directions to the respondents firstly to reinstate the applicant

and to regularise the intervening period by passing appropriate order. Both these orders have been complied with by the respondents as they have already reinstated the applicant on 17.02.2004 and they have also regularised the intervening period vide order dated 12.04.2004. It goes without saying that once order has been passed that applicant will be paid full pay and allowances for the intervening period, the same should have been paid to the applicant. If the same has not been paid to him so far, respondents are directed to implement their own order dated 12.04.2004 within 03 weeks from the date of receipt of a copy of this order. The subsequent grievance of the applicant regarding his transfer or non payment of salary etc. cannot be covered within purview of contempt petition as that is a separate and fresh cause of action. If applicant is aggrieved, he has a right to challenge the orders passed by the respondents by filing petition on the original side. As far as this contempt petition is concerned it is disposed off with the directions as already given above by giving liberty to the applicant to file fresh O.A. for redressal of his grievance with regard to his other grievance.

5. With the above directions, this contempt petition is disposed off at the admission stage itself.



Member (A)



Member (J)

shukla/-