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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION NO.89 OF 2005

IN  
ORIGINAL APPLICATION NO.675 OF 2005

ALLAHABAD THIS THE 06<sup>TH</sup> DAY OF *February* 2006.

HON'BLE MR. K.B.S. RAJAN, MEMBER-J  
HON'BLE MR. A. K. SINGH, MEMBER-A

Mrs. Rekha Shukla,  
W/O K.C. Shukla,  
R/o 25/1 Patel Nagar, Munghal Sarai,  
Chandauli.

..... Applicant.

(By Advocate Shri Avnish Tripathi)

Versus

1. Sri Sudhir Mudawal,  
Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office,  
K.V.S. Patha (Bihar).
2. Sudhaker Singh (Principal),  
Kendriya Vidyalaya Sangathan,  
Banaras Hindu University Campus,  
Varanasi.

..... Respondents.

(By Advocate Shri N. P. Singh)

O R D E R

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

This application has been filed alleging  
deliberate dis-obedience of order-dated 29.06.2005  
whereby the respondents were directed not to give

b/w

effect to order dated 30.05.2005 in respect of the applicant. According to the applicant, copy of this order was made available to the respondents through speed post on 01.07.2005 and in person on 04.07.2005 and yet the applicant has not been allowed to join duties.

2. The respondents have given their reply wherein candidly the respondent no.2 has tendered his unconditional apology. According to the respondents, since on 01.07.2005 itself the incumbent to the post has joined from a far of place, their being no vacancy, the applicant could <sup>not</sup> be accommodated.

3. The counsel for the applicant vehemently argued that when the interim order was passed in the presence of counsel for the respondents no formal order is required and the applicant ought to have been accommodated. He had also alleged that the respondent no. 2 in all expectation would have received the communication and yet the order has not been obeyed.

4. We have considered the entire matter. The applicant, soon after receipt of her transfer order went on medical leave w.e.f. 27.06.2005 and on 04.07.2005 she presented herself alongwith an additional copy of the interim order to join duties. The copies sent by speed post were dispatched on

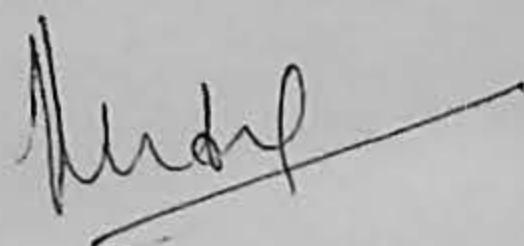
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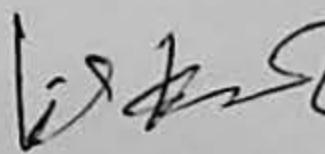
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01.07.2005 or so, as could be deciphered from the postal receipt. Though she was not allowed to join as early as 04.07.2005 the contempt petition has been filed only on 09.09.2005.

5. In our view the dis-obedience of the order does not seem to be deliberate. The Principal cannot accommodate the applicant when there was no vacancy. The applicant does not seem to have raised the level to seek proper order from the higher authorities. The un-conditional apology of the Principal is spontaneous and contrite. As such the CCA is dropped and notices are discharged.



Member-A



Member-J

/ns/