

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 07th day of June 2002

Contempt Application no. 102 of 2002

in

Original Application no. 1202 of 2000.

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

Dr. Smt. Asha Khare, W/o Sri S.K. Khare,
R/o 167 A Brij Enclave, Sunderpur,
Varanasi.

... Applicant

By Adv : Sri O.P. Khare

Versus

H.M. Cairae, Commissioner, Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi.

... Respondents

By Adv : ...

O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM.

In this Contempt Application, filed under 17 of the A.T. Act, 1985, the applicant has prayed for initiating contempt proceedings against the respondent, Sri H.M. Cairae, Commissioner Kendriya Vidyalaya Sangathan (in short KVS), New Delhi for wilful disobedience of the order of this Tribunal dated 23.2.20001.

2. The order dated 23.2.2001, passed by this Tribunal reads as under :-

"...The O.A. is accordingly disposed of finally with the direction to Respondent no. 2 to decide the

...2/-

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leave application of the applicant and also the claim for payment of salary with effect from the date mentioned above and pass reasoned order within a month from the date a copy of this order is filed before him. To avoid delay, the applicant may file a fresh application alongwith a copy of this order."

3. According to the order of this Tribunal referred above, respondent no. 2 was directed to decide the leave application of the applicant and also the claim of payment of salary w.e.f. 16.12.2002. Sri O.P. Khare, learned counsel for the applicant submitted that the respondents have ~~complied~~ complied with only one part of the order by issuing Office Order dated 17.5.2001 (Ann A-7). The period from 27.9.2000 to 15.12.2000 has been treated as Earned Leave for 80 days. However, the second part of the order which is for payment of salary w.e.f. 16.12.2000 still remains to be complied with. Learned counsel for the applicant submitted that the respondents instead of paying the salary to the applicant ^{have} ~~for treating~~ ^{not treated} the period from 16.12.2000 to 19.6.2001 (186 days) as Earned Leave and from 20.6.2001 to 18.8.2002 (60 days), which is the date when the applicant joined Principal, KVS, Barkakana as Half Pay Leave ⁱⁿ ~~vide~~ order dated 1.04.02 ⁱⁿ

4. Sri O.P. Khare also invited our attention to annexure 2 and 3 with regard to her submitting joining to the Chairman VMC/EC, KV, BHU, Varanasi and also representation to the respondents regarding implementation of the order dated 17.11.2000 passed in OA 1292 of 2000. Sri O.P. Khare, has also submitted that the representation of the applicant dated 19.3.2002 regarding payment of duty pay for intervening period till the applicant joined as Principal Barkakana has been forwarded by KVS Patna to

...3/-

3.

KVS, New Delhi for perusal and necessary action.

5. We have considered the submissions^h of learned counsel for the applicant and perused^h records^h. The controversy regarding payment of duty pay for intervening period is a separate cause of action and cannot be adjudicated through this contempt^h application. The applicant may^h agitate the matter before the appropriate^h bench^h in this regard. In our opinion no case of contempt is made out. The contempt application is rejected and disposed of.

6. There shall be no order as to costs.


Member (J)


Member (A)

/pc/