

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF APRIL, 2004

Civil Contempt Application No.48 of 2003

In

Original Application No. 17 of 2002(U)

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

G.S.Srivastava, Son of Shri S.S.
Srivastava, aged about 44 years,
PGT(Chemistry) teacher, Kendriya
Vidyalaya No.2, NHPC Banbasa,
district Champawat(Uttaranchal)

.. Petitioner

Versus

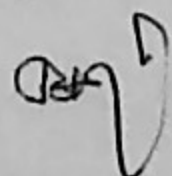
1. Shri G.S.Mehta, Principal
Kendriya Vidyalaya No.2,
NHPC, Banbasa, P.O.Chandani
District Champawat(Uttaranchal)
262310
2. Shri M.M.Swamy, Asstt. Commissioner,
Kendriya Vidyalaya Sangathan
(Regional Office) Sa'awala 8
Hathibarkala, Dehradun
(Uttaranchal) 248001
3. Shri H.M.Cairae, Commissioner,
Kendriya Vidyalaya Sangathan
Headquarters, 18, Institutional
Area, Shahid Jeet Singh Marg,
New Delhi-16

.. Respondents

O R D E R

JUSTICE S.R.SINGH,V.C.

Heard Shri G.S.Srivastava, petitioner in person in
CCA48/03 and Shri N.P.Singh learned counsel representing
the respondents.

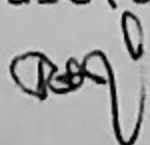


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The applicant was placed under suspension vide order dated 13.6.01. The legality of the suspension order was challenged in OA 17/02(U) which was disposed of alongwith OA No.16/02(U) K.P.Dubey Vs. Kendriya Vidyalaya Sangathan & Ors vide order dated 14.1.03 . The operative portion of which reads as under:-

"In the facts and circumstances and our aforesaid discussions the OAs are finally disposed of with the direction to the respondents that the applicants will be deemed to be reinstated w.e.f. 27.5.02, the date the interim order was passed by the Tribunal. The respondents shall take action to make the payment of salary of the applicants w.e.f. 27.5.2002 within a period of one month from the date of communication of this order. The applicants will be allowed to discharge their duties as Teacher and shall be paid salary as and when due. The respondents may proceed with the finalisation of the disciplinary proceedings initiated against the applicants and such proceedings shall be finalised within a period of six months. The applicants are directed to cooperate with the respondents in early finalisation of inquiry and the disciplinary proceedings."

The present contempt petition has been instituted with the allegation that the order aforestated ^{has 2} had_L been deleberately and willfully not complied with by the respondents and hence they are liable to be punished for contempt of court. The respondents in their counter affidavit have stated that following the said order the suspension order came to be revoked w.e.f. 27.5.02 vide order dated 19/20.1.03 in exercise of power clause (c) of sub-rule(5) of Rule 10 of CCS(CCA) Rules 1965. In

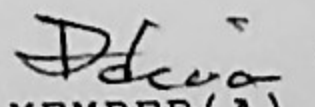


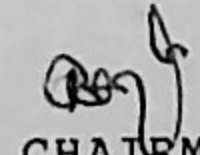
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para 13 of the counter affidavit filed by H.M.Cairae, Commissioner, Kendriya Vidyalaya Sangathan, headquarters New Delhi, it has been stated that salary due to Shri G.S.Srivastava w.e.f. 27.5.02 to 19.1.03 was released through D.D.No.579318 dated 20.2.03 by speed post vide letter No.30-3/Pay&Allow/GSS/02-03/KVS/DDR/4882 dated 20.2.03.

The service of the applicant, it is not disputed has been terminated w.e.f 1.7.03. The legality or otherwise of the order of termination is not required to be gone into in the contempt proceedings. It is not clear as to whether the applicant has been paid his salary for the period subsequent to 19.1.03 till the date of termination of his service. However, it is for the applicant to seek his remedy at appropriate forum if there is any arrears of salary for the period subsequent to 19.1.03. Contempt proceedings, it is well settled is between the court and the contemner. There seems to be no willful and deliberate disobedience of the order passed by the Tribunal in OA No.17/02.

The contempt application, is therefore, dismissed. Notices stand discharged. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 6.4.04

Uv/