

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NO.81 OF 2003

IN

ORIGINAL APPLICATION NO.1144 OF 2001
ALLAHABAD THIS THE 31st DAY OF JULY, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Dhanai Prasad,
S/o Late Shri Rittu Prasad,
Posted at Kendriya Vidhyala No.1,
Udhampur.

.....Applicant

(By Advocate Shri Ajay Rajendra)

Versus

1. H.M. Caire
S/o of not known,
The Commissioner Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

2. G.S. Mehra,
S/o not known,
Principal Kendriya Vidhyalaya No.1
Air Force Station,
Agra.

.....Respondents

(By Advocate)

O R D E R

HON'BLE MRS MEERA CHHIBBER, MEMBER-J

Grievance of the applicant in this case is, that
inspite of directions given by this Tribunal in the order
dated 12.11.2002 neither applicant was given a personal hearing
to defend himself, nor his intervening period has been decided
till date. Therefore, it amounts to wilful dis-obedience of
the court's direction.



2. We have heard the applicant's counsel. He has placed before us the final order passed by respondents on 12.05.2003 wherein points raised by him in his representation had been discussed and it is stated by the Joint Commissioner (ADMN) that for the reasons stated above his submission cannot be accepted. It is not disputed by the applicant that he was given copy of the complaint and his explanation was called by the respondent to which he gave his reply and after considering his reply the respondent have passed memorandum dated 12.05.03. Since respondents have already given him copy of the complaints and have also passed the final orders after seeing his reply thereto, it cannot be said that respondents have wilfully dis-obeyed the directions given in this Tribunal. When he had mentioned after hearing the applicant it did not necessarily mean that he had to be given personal hearing, even a reply given by the applicant would be sufficient. However, if applicant feels that the order passed by the respondents is not correct that cannot be made subject matter of the contempt petition and the remedy against that is to file a fresh O.A challenging the said order.

3. As far as, passing the order for the intervening period is concerned, once the main order has been passed by the respondents, we are sure they will pass the order for the intervening period as well. In any case they are directed to pass the order with regard to intervening period positively within four weeks. We do not think, it is a fit case, for initiating action against the respondent ^{at this stage} in contempt proceeding. Therefore, this contempt petition is dismissed as not maintainable with above direction.



Member-J



Member-A