

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.
CIVIL CONTEMPT APPLICATION NO.04 OF 2007

IN

ORIGINAL APPLICATION NO. 274 OF 2003.

ALLAHABAD THIS THE 08TH DAY OF JUNE, 2007.

Hon'ble Mr. Justice Khem Karan, V.C

Hon'ble Mr. P.K. Chatterji, A.M

Dasharath Singh Yadav (53 years age) Son of late Sri Bechan Singh Yadav, Village Shikarpur, P.O. Dora (Sadat) District Ghazipur. (U.P) 275204. (In person).

.....Petitioner

(IN PERSON)

Versus.

1. Ranglal Jamuda, The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.
2. Pragya Richa Srivastava, The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi -16.
3. M.M Swami, The Deputy Commissioner (Admn.) Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi -16.
4. Satish Kukreja, The Asstt. Commissioner, Kendriya Vidyalaya Sangathan (Lucknow Region), Sector J, Aliganj, Lucknow -20.
5. A.S. Bhatnagar, The Principal Kendriya Vidyalaya Mau (U.P), 275101.

.....Respondents

(By Advocate: Sri D.P. Singh)

ORDER

Justice Khem Karan, V.C

Shri Dasharath Singh Yadav, appears in person and Sri D.P. Singh, appears for the respondents.

2. We have heard both the parties in these contempt proceedings .

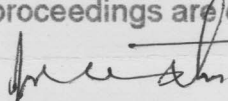
3. It transpires that the applicant was dismissed from service against which he filed one O.A. No. 274/03, which this Tribunal disposed of vide order dated 27.9.2005. The Tribunal took the view that order dated 27.9.2001 of the Disciplinary Authority as well as the order dated 20.3.2002 of the Appellate Authority ^{were} ~~are~~ bad in law and so ^{were} ~~are~~ quashed. It directed that applicant ^{be} ~~was~~ reinstated in service forthwith and he will be entitled to arrears of salary and other accrued benefits, as if he was not

removed from service. Four months period was fixed for payment of arrears of pay and allowances.

4. The respondents in the O.A. took the matter in writ No.9000/06 before the Hon'ble High Court of Allahabad. Vide order dated 2.8.2006 passed in the said writ petition, Hon'ble High Court remitted the matter to the Disciplinary Authority for passing an order of minor punishment keeping in mind the ~~charge~~^{change} magnitudes of misconduct proved against the respondent's employee. It ~~is~~^{is} said that these orders should be passed as expeditiously as possible preferably within 2 months from the date of receipt of copy of this order.

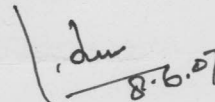
5 Shri D.P. Singh appearing for the respondents ~~and~~ states that order of minor punishment has since been passed on 16/19.2.2007 imposing penalty of withholding for one increment for 5 years and applicant has since been reinstated in service. He says that since the applicant was under suspension prior to dismissal, so notices has been issued to the applicant on 22.5.07 under Fundamental Rule 54-A asking him to show cause as to why what ~~term is made out to the suspension period~~^{increment should be given to}. The applicant does not dispute that he has ~~not~~^{is} received the notice. What he ~~submits~~^{is} that respondents have not paid him salary etc. as per orders of the Tribunal nor have restored his position and so the respondents have committed breach of the order.

5. We are of the view that the respondents have reinstated the applicant and by imposing the minor punishment and by issuing the notice etc. have substantially complied with the direction of the Tribunal as modified by the Hon'ble High Court. The Tribunal hopes that the remaining action will be taken as per law as expeditiously as possible and applicant will not be unnecessarily compelled to take one action or other. Contempt proceedings are ~~dropped~~ and notices are discharged.



Member-A

Manish/-


8.6.07

Vice-Chairman