

(28)
OPEN COURT**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Civil Misc. Contempt Petition No.134 of 2007.

in

Original Application No. 41 of 2007

Allahabad, this the 3rd day of ^{August} ~~August~~, 2009Hon'ble Mr. A.K. Gaur, Member-JHon'ble Mr. D.C. Lakha, Member-ABalvir Bahadur, S/o Late Shri Jhumak Lal, R/o 259,
Teachers' Colony, Bagh Guddar, District Bareilly.

....Applicant.

By Advocate : Shri K. Ajit

V E R S U S

1. Smt. Pragya Richa Srivastava, Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi.
2. Shri J.M. Rawat, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Salawala, Hathi Barkala, Dehradun, Uttaranchal.
3. Shri B.H. Ansari, Principal, Kendriya Vidyalaya, C.R. P.F., Rampur, District Rampur.
4. Miss. R. Kalavathi (Earlier posted as Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office Dehradun.) Presently posted as Assistant Commissioner Kendriya Vidyalaya Sangathan, Regional Office, Ahmadabad. Region Sector 30 Gandhinagar, Pin 382030.
5. Shri M.S. Chauhan, Education Officer, Kendriya Vidyalaya Sangathan, Regional Office, Dehradun.

...Respondents.

By Advocate : Shri N.P. Singh

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ORDER

By Hon'ble Mr. A.K. Gaur, Member-J :

We have heard Shri Balvir Bahadur who appeared in person and Shri N.P. Singh, learned counsel for the respondents.

2. Applicant in person invited our attention to the order passed by this Tribunal dated 22.1.2007 in OA No.41/2007. This Tribunal passed the following directions, which reads as under :-

"6. Respectfully following the ruling of the Hon'ble Supreme Court (supra), we have no hesitation in setting aside the impugned order dated 19/21.12.2005 of the K.V.S., Dehradun (Uttranchal) appointing Sri M.M. Lal, retired Assistant Commissioner, KVS Headquarters as E.O. Needless to say, any action taken by the respondents in pursuance of any report filed by this E.O. would automatically be set-aside. We make it clear that it is open for the respondents to appoint any serving public servant to hold the enquiry, if they so desire. It is also made clear that the enquiry will proceed from the stage it was before the appointment of E.O., which has been quashed herein."

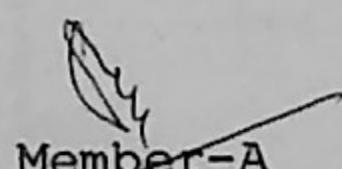
3. Learned counsel for the respondents invited our attention to order dated 9.2.2008 (Annexure-SCA-2) filed by the respondents. It is brought to our notice that in pursuance of the order of the Tribunal dated 22.1.2007, the competent authority appointed an inquiry officer to inquire into the charges framed against the applicant vide memorandum dated 30.4.2004. The controversy was that a retired Government servant can not be appointed as an inquiry officer. This Tribunal vide its order

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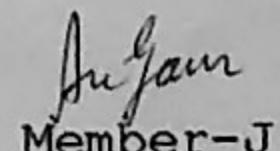
(27) (A)

dated 22.1.2007 directed the competent authority to appoint any serving public servant to hold the enquiry, if they desire, it is also made clear that the enquiry will proceed from the stage it was before the appointment of E.O. In compliance of the Tribunal's direction, the respondents have appointed Shri Ombir Singh, Principal, Kendriya Vidyalaya, Bhel Hardwar as the Inquiry Authority to inquire into the charges framed against the applicant.

4. It is seen from the record that a serving officer namely Shri Ombir Singh, Principal, Kendriya Vidyalaya, was appointed as the Inquiry Officer. The applicant appeared in person and submitted that even the appointment of earlier Inquiry Officer has been withdrawn and in place Shri M.S. Chauhan has been appointed as Inquiry Officer. We have to see whether the order of this Tribunal has been complied with or not. In this case a simple direction was given to appoint any serving public servant as an Inquiry Officer and Shri M.S. Chauhan has already been appointed as Inquiry Officer. Accordingly the contempt petition is dismissed. Notices are discharged. If the applicant is still aggrieved, he may file afresh OA for redressal of his grievance, if so advised.



Member-A



Member-J