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**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Civil Contempt Petition No.13 /2007

In

Original Application No.284/2006

This ~~18~~ the day of July 2007

HON'BLE MR. A.K. SINGH, MEMBER (A)

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Radhey Shyam Maurya PGT (Chemistry), Kendriya Vidyalaya,
Dharchula, Pithoragarh (U.A.).

...Applicant.

By Advocate: Applicant in person.

Versus.

1. Mrs. Pragya Richa Srivastava, Joint Commissioner (Admn),
Kendriya Vidyalaya Sangathan (HQ) 18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi-16.
2. Miss. R. Kalavati, Assistant Commissioner, Kendriya Vidyalaya
Sangathan (R.O.) Salawala, Hathibarkala, Dehradun,
(Uttaranchal).
3. Mr. K.S. Dugtal, (Present) Principal, Kendriya Vidyalaya,
Dharehula, Pithoragarh (U.A.).

By Advocate: Shri A.S. Parihar for Shri N.P. Singh.


ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed the present CCP for issuance of the notice against the respondents for their personal attendance on the ground that they have not complied the orders of the Tribunal Dt. 07.09.2006.

2. Heard both sides.

3. The point for consideration is whether the petitioner is entitled for issuance of notices to the respondents for their personal appearance on the ground that they have not complied with or disobeyed the order of the Tribunal Dt. 7.9.2006.



4. The brief facts of the case are that the applicant filed O.A. to quash the impugned order of termination Dt. 17.03.2006 (Annexure-1). By way of interim order, he also sought stay of operation of such impugned order Dt. 17.03.2006. The applicant filed the O.A. on 15.06.2006. After hearing both sides, the tribunal passed order on 07.09.2006 staying the operation of the impugned order Dt. 17.03.2006 (Annexure-1) till the next date of listing i.e. 21.09.2006. Thereafter, the said interim order was extended but after hearing both sides, OA was dismissed on 03.04.2007 stating that this Tribunal has no jurisdiction, and the applicant has not availed alternative remedies available to him.

5. The impugned order Dt. 17.03.2006, which is under challenge in this OA, is the order issued by Respondent No.2 stating that they wants to confirm the order of the provisional loss of lien on the post which was held by the applicant in Kendriya Vidyalaya Sangathan and is deemed to have voluntarily abandoned his service from the date of his suspension Dt. 06.12.2005 as per the provisions of Article 81 (d) (3) of the Education Code. The said order also reveals that a show cause notice was issued under Article 81 (d) (3) of the Education Code for confirmation of order of provisional loss of lien on the post which was held by the applicant in Kendriya Vidyalaya Sangathan vide their official letter Dt. 27.01.2006. It further shows that the applicant failed to submit any representation within the stipulated time and as such, they have also issued notice Dt. 27.1.2006 in News Papers English Daily and other local papers asking him to submit his representation for consideration of competent authority within 10 days but the applicant did not avail the said opportunity. Hence, they have issued such order confirming order of the provisional loss of lien on the post, which was held by the applicant.

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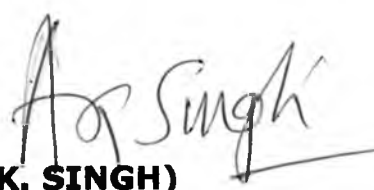
6. The present application is filed to say that the respondents have disobeyed the order of the Tribunal Dt. 07.09.2006 in respect of operation of the impugned order Dt. 17.03.2006 (Annexure-1). But the present application is not helpful to show that there was any violation of the orders of the Tribunal Dt. 07.09.2006 by passing any orders by the respondents. The applicant challenged the said impugned termination order (Annexure-1) with a prayer to reinstate him in service. There is no order of the Tribunal in respect of the claim of the applicant for his reinstatement and further mere stay of the operation of the impugned order (Annexure-1) Dt. 17.03.2006 does not help to the applicant, who was already terminated from the services. Without any directions to the respondents for the reinstatement of the applicant mere stay of operation of the impugned termination order Dt. 17.03.2006 (Annexure-1) is not at all helpful to the applicant that he is entitled for reinstatement by way of such interim order. Thus, the applicant has not made out any case to show that the respondents have disobeyed the orders of the Tribunal Dt. 07.09.2006 in respect of the impugned termination order Dt. 17.03.2006 (Annexure-1). Such stay of operation of impugned order (Annexure-1) is helpful to the applicant if the said order was not implemented by the respondents prior to obtaining such interim order.

In the result, there are no merits in the claim of the applicant and hence C.C.P. is rejected


(M. KANTHAIAH)
MEMBER (J)

18.7.07

/amit/


(A.K. SINGH)
MEMBER (A)