

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Contempt Petition No. 28/2003
(Original Application 331/2003)

Jabalpur : this the 1st of August 2003

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

M.L. Kajodia aged 42 years,
S/o Shri Ghazi Ram,
Working as Primary Teacher at
Kendriya Vidyalaya Dewas,
MP.

..... Applicant

(By Advocate : Mr. P.N. Dubey)

versus

1. Harghamahan Cairas,
Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid JeetsinghMarg,
New Delhi.
2. Smt. V. Vijay Laxmi,
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Maida Mills,
Bhopal (MP).
3. Suryakant Pandey,
Principal,
Kendriya Vidyalaya,
Dewas (MP).

..... Respondents.

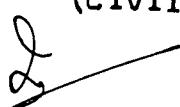
(By Advocate : Mr. M.K. Verma, in OA)

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ORDER

By J.K. Kaushik :

Shri Kajodia, M.L., has filed this Contempt Petition
(Civil), under Section 17 of the Administrative Tribunals Act



and has submitted that applicant has filed OA 331/2003 before this Tribunal assailing his transfer order. This Bench of the Tribunal was pleased to pass the following order on 27th May, 2003 :-

"It is claimed by the learned counsel of the applicant that the applicant is Vice President of AIKVTB, Bhopal Region and Member of JCM. Therefore, he cannot be transferred, even as per admission of the respondents as can be seen from the reply dated March 2001 in OA No. 78/2001 (Annexure A/4). In view of the averments made by the learned counsel of the applicant, the transfer order dated 31.03.2003 (Annexure A/1) in so far as it relates to the applicant may not be acted upon till the next date fixed for consideration of request of interim relief. The respondents are directed to file a short reply on the point of interim relief within one week.

List it for orders on the point of interim relief on the 3rd week of vacation."

2. It has been averred that applicant has not ~~ever~~ been taken on duty and is being shown as relieved. At the time when the order was passed the applicant was under-going training and the aforesaid order has been deliberately and intentionally flouted.

3. The respondent -contemnor No.2 has filed an affidavit wherein it has been submitted that the order could not be complied with due to certain administrative reasons. She has also tendered unqualified and unconditional apology for the same. However, it has been submitted that the interim order was obtained by making false averments in the O.A.

4. We have considered the facts and grounds raised in the C.P. and also the affidavit which has been submitted on behalf of respondent No.2.

5. As has been fairly admitted in the affidavit, there has been no non-compliance of the order passed by this



Tribunal. The respondents have been very fair in admitting the position as well as they have tendered unqualified and un-conditional apology and we accept the same. However, the respondents shall treat the applicant on duty and make payment of his salary and other allowances etc. as if he continued to remain on duty till the date of final decision in the O.A. and only on this contention, the unconditional apology has been accepted.

6. In view of the aforesaid discussions, the Contempt Petition stands disposed of.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

J.K. Kaushik
(J.K. Kaushik)
Judicial Member

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प्राप्तिकर्त्ता सं. ओ/न्या.....लखनपुर, दि.....

प्राप्तिकर्त्ता वर्तमान परिवार

- (1) श्रीकर, उम्मीदवाला, लखनपुर
- (2) अंबिका श्री, उम्मीदवाला, लखनपुर
- (3) प्रत्यार्पी श्री/ श्रीमती, उम्मीदवाला, लखनपुर
- (4) विधिवाल, उम्मीदवाला, लखनपुर

सूचना एवं आवश्यक कागजाती द्वारा

*P.N. Dabey, A.O.
M.K. Verma, A.O.*
*Recd. 8/10/03
उप रजिस्ट्रर*

*Issued
on 5/8/03
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