

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

C.C.P. No.10/2002

Jabalpur, this the 5th day of March, 2002

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri R.K.Upadhyaya, Member (A)

Dr. R.K.Shastri,
aged about 46 years,
S/o Shri R.K.Sharma,
working as T.G.T. (Shanskrit)
(Under suspension) Kendriya
Vidyalaya, Bairagarh, Bhopal.

- Petitioner.

(By Advocate - Shri P.N.Dubey)

Versus

1. S.M.Bhatnagar, Assistant Commissioner,
Kendriya Vidyalaya Sangathan, Bhopal
Region, Opposite Maida Mills, Bhopal (MP).
 2. A.K.Katiyar, Principal, Kendriya
Vidyalaya No.2, Bhopal (MP).
- Respondents.

O R D E R (Oral)

By Shanker Raju, Member (J)-

This contempt petition has been filed by the petitioner alleging wilful and contumacious disobedience by contending that as the applicant has challenged the memo whereby he has been issued a show cause notice as to why the disciplinary proceedings may not be initiated against him, during the pendency of this OA, when the notice of the OA has been issued to the respondents, it is contended that the respondents arbitrarily with a view to defeat the right of the applicant, issued a memorandum dated 16.10.2001 wherein he has been proceeded against for a major penalty charge-sheet under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965. By placing reliance on the decision of the Apex Court in the case of Pratap Singh Vs. Gurbax Singh. AIR 1962 SC 1172 it is contended that the institution of the proceedings at a time when the suit in

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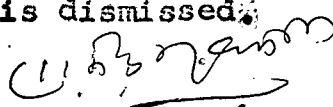
the court was pending is only to put a pressure on the respondent to withdraw his suit or face the consequences of disciplinary actions. This amounts to contempt of court.

2. It is also contended that the charge levelled against the applicant is concocted and with a view to obstruct the applicant from prosecuting his case. We find from the order-sheet of OA 933/2000 that the memo issued by the respondents has not been stayed by the Tribunal and the respondents have not been prevented from issuing any major penalty charge-sheet. The charge-sheet ~~has been~~ issued to the applicant does not suffer from any illegality or infirmity.

3. A contempt can only be made, if any order passed by the Tribunal is violated or acted in defiance by the respondents. The resort of the applicant to the decision of the Apex Court would have no application, as here the applicant has neither amended his OA to incorporate the charge-sheet issued by the respondents, nor has sought any stay of the memo. In this view of the matter that no stay order has been passed by the Tribunal preventing the respondents from issuing the major penalty charge-sheet, this is our considered view that if the disciplinary proceedings are continued by the respondents, the applicant would be given all opportunities to defend his case. In this view of the matter, we do not find any prima facie case for initiating contempt proceeding against the respondents.

4. Later on, Shri P.N. Dubey, learned counsel of the petitioner appeared and he has been heard.

5. For the reasons stated above, the contempt petition is dismissed.


(R.K. Upadhyaya)
Member(A)


(Shanker Raju)
Member(J)