

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 18th day of January, 2011

CP No.22/2009
(O.A. No.152/2009)

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Mrs. Neelam Shekhawat
w/o Shri Brajraj Singh Shekhawat,
r/o RBI Staff Colony,
Block No.8/92, Bajaj Nagar,
Jaipur, O/o A.. Kendriya Vidyalaya
Sangathan, R.O., Jaipur

... Applicant

(By Advocate: Shri R.P.Sharma)

Versus

1. Shri Ranglal Jamuda,
the Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Mrs./Miss. Pragya Richa Srivastava,
Joint Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

.. Respondents

(By Advocate: Shri V.S.Gurjar)



ORDER (ORAL)

The applicant has filed this Contempt Petition against the alleged violation of the order dated 24.4.2009 passed in OA No.152/2009, Mrs. Neelam Shekhawat vs. UOI.

2. The respondents have filed reply. In the reply, the respondents have stated that respondent No.3 in the OA was offered promotion to the post of Senior Administrative Officer in Kendriya Vidyalaya Sangathan (Headquarters) vide OM dated 16.4.2009 and he joined at Kendriya Vidyalaya Sangathan (Headquarters) in the forenoon of 20.4.2009 whereas the ex-parte interim order was issued on 24.4.2009. Thus, according to the respondents, they have not flouted the directions given by this Tribunal. The respondents have also placed on record joining report of respondent No.3 in the ~~OA~~ ^{u.C.P.} as Ann.CPR/2.

3. The learned counsel for the applicant has drawn our attention to another office order dated 4.5.2009 whereby on joining of respondent No.3 work of Senior Administrative Officer has been assigned to him with immediate effect. Thus, the learned counsel for the applicant argued that joining of respondent No.3 was taken from back date otherwise the respondents could not have taken about 15 days to allow work to the respondent No.3 once he has joined the promoted post of Senior Administrative Officer.

4. We have given due consideration to the submissions made by the parties.

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5. We have allowed the OA filed by the applicant by a separate order in which it has been observed that respondent No.3 has been granted undue favour by the authority who has passed the impugned order Ann.A/1 by giving 1996 as year of allotment for the purpose of seniority in order to make him eligible for promotion to the post of Senior Administrative Officer especially when respondent No.3 has joined the post of Administrative Officer in 2001 which object has been achieved by respondent No.3 when he has been promoted to the higher post of Senior Administrative Officer. The contention raised by the applicant that his joining has been given retrospective effect, when seen in the light of order dated 4.5.2009 (Ann.CP/3) whereby respondent No.3 has been assigned work of the said post after 15 days, cannot out rightly rejected.

6. Be that as it may, since we are in contempt proceedings and it cannot precisely be concluded whether joining of respondent No.3 was antedated when seen in the light of the office order dated 4.5.2009 (Ann.CP/3), we do not wish to proceed further in the matter. Accordingly, the Contempt Petition is disposed of and notices issued to the respondents are discharged.

Anil Kumar
(ANIL KUMAR)
Admv. Member

R/

M.L.Chauhan
(M.L.CHAUHAN)
Judl. Member