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CP 33/2010 with MA 101/2011 (OA 390/1999)

16-5-2011 Mr. Suresh Parshit, Counsel for
applicant/petitioner.

Mr. V. S. Gujjar, Counsel for respondents/
contemners.

Arguments heard. The CP stands
disposed of, by a separate order.

Anil Kumar,
(Anil Kumar)
M(A)

P. S. Rathore
(Suresh K. S. Rathore)
M(T)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 16th day of May, 2011

CONTEMPT PETITION No.33/2010

WITH

MISC. APPLICATION No.101/2011

IN

ORIGINAL APPLICATION No.390/1999

CORAM :

HON'BLE MR. JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Gajendra Singh Yadav
S/o Shri Ram Singh Yadav,
R/o C/o K.N.Yadav, 307/174/2-D,
New Mehdori Road, Teliar Ganj,
Allahabad (UP).

... Petitioner/Applicant

(By Advocate : Shri Sorabh Purohit)

Versus

1. Shri Avinash Dixit,
Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Shri U.N.Khaware,
Deputy Commissioner (Adm.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. Smt.Sandhya Rastogi,
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Jaipur Region, Regional Office,

92, Gandhi Nagar Marg, Bajaj Nagar,
Jaipur.

... Respondents

(By Advocate : Shri V.S.Gurjar)

ORDER (ORAL)

In compliance of the direction issued by this Tribunal vide order dated 10.9.2001 (Ann.A/1), passed in OA 390/1999 [Gajendra Singh Yadav v. Kendriya Vidyalaya Sangathan & Ors.], learned counsel for the respondents/contemnors has produced copy of the order dated 13.5.2011, which is taken on record.

2. Vide order dated 10.9.2001, passed in OA 390/199, this Tribunal issued the following direction :

"14. For the reasons mentioned in the preceding paragraphs and having regard to the facts and circumstances of this case, we allow the present OA with a direction to the respondents to hold a review DPC to consider the claim of the applicant against any of the existing vacancies as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order. It is clarified that the applicant's period of trial converting into the period of probation, as above, shall be considered for the purpose of computing the experience as well as the length of service rendered by the applicant, by the review DPC, on being found fit for promotion, all the consequential benefits will be allowed to the applicant from the date his next junior was promoted. In-so-far as, pay fixation is considered, applicant's pay will be fixed on notional basis with effect from the date his next junior was promoted."

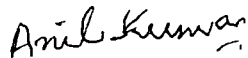
3. In compliance of the aforesaid direction, the respondents/contemnors have issued order dated 13.5.2011, whereby the applicant has been promoted to the post of PGT (Physics) with retrospective effect i.e. with effect from 1993-94 and they have recommended to place the applicant at S.No.43-A (below Shri Pradeep Kumar Jolly) in the main promotion panel for the year 1993-94, with all consequential benefits,



from the date his next junior was promoted, as per the direction of this Tribunal dated 10.9.2001.

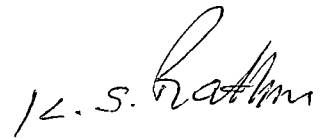
4. Upon perusal of the compliance order dated 13.5.2011, we find that substantial compliance of the direction issued by this Tribunal has been made and no case of contempt is made out. Accordingly, the CP stands dismissed and the notices issued to the respondents are hereby discharged.

5. In view of the order passed in the CP, no separate order is required to be passed in MA 101/2011. The same shall also stand disposed of accordingly.



(ANIL KUMAR)
MEMBER (A)

vk



(JUSTICE K.S.RATHORE)
MEMBER (J)