

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P.NO.8 of 2016

(In OA No.3492 OF 2015)

New Delhi, this the 30th day of March, 2016

CORAM:

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER
&**

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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1. Naveen Sharma,
aged about 28 years,
S/o Sh.Dharamraj Sharma,
R/o H.No.364-F, Chirag Delhi,
New Delhi 110017,
Lastly employed at GBSSS, Chirag Delhi,
School ID 1923012
2. Darshan Singh,
Aged about 29 years,
s/o H.No.363, DDA Janta Flats,
Khirki, New Delhi 110017
Lastly employed at GBSSS, Chirag Delhi,
School I.D. 1923012

(By Advocate: Shri R.S.Kaushik)

Vs.

1. Ms.Padmini Singla,
Director of Education,
Directorate of Education,
Old Secretariat,
Civil Lines,
Delhi 54
2. Sh.N.T.Krishna,
Joint Director (Planning Branch),
Planning Branch, Directorate of Education,
Govt. of NCT of Delhi,
Old Patrachar Building,
Timarpur, Delhi 54

(By Advocate: Mr.K.M.Singh)

ORDER**RAJ VIR SHARMA, MEMBER(J):**

We have perused the records, and have heard Shri R.S.Kaushik, the learned counsel appearing for the applicant-petitioners, and Shri K.M.Singh, the learned counsel appearing for the respondent-opposite parties.

2. The applicant-petitioners had filed OA No.3492 of 2015, seeking the following reliefs:

- ö(i) To direct the respondents to reengage the applicants as Guest Teachers (TGT-English) within one week after the disposal of this O.A.
- (ii) To direct the respondents to consider applicants on duty w.e.f. 07.09.2015.
- (iii) Award costs of the proceedings.
- (iv) to pass such other and further orders which their Lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.ö

3. The Tribunal had allowed the said O.A.No.3492 of 2015, vide order dated 30.11.2015, the operative part of which is reproduced below:

ö8. In the light of our above discussions, we have no hesitation in holding that the refusal to re-engage the applicants as Guest Teachers (TGT-English) during the academic session 2015-16 solely on the ground that they were not re-engaged during the academic session 2014-15 is unsustainable. Accordingly, we direct the respondents to consider the cases of the applicants for re-engagement as Guest Teachers (TGT-English) for the academic session 2015-16 in any of the schools, where vacancies are still available, as per the scheme of engagement of Guest Teachers, and to take a decision by passing a reasoned and speaking order within a period of fifteen days from today. It is also directed that while considering the cases of the applicants, the respondents shall not declare them

ineligible for re-engagement as Guest Teachers (TGT-English) during the academic session 2015-16 on the aforesaid two grounds which have been found by the Tribunal as unsustainable.ö

4. Alleging non-compliance of the above order dated 30.11.2015 passed by the Tribunal in OA No.3492 of 2015, the applicant-petitioners filed the present Contempt Petition on 4.1.2016.

5. In response to the notices received from the Tribunal, the respondent-opposite parties filed an affidavit on 9.3.2016, stating that in compliance with the Tribunal's order dated 30.11.2015, *ibid*, they considered the representations made by the applicant-petitioners. The decision in the case of *GNCTD & Ors. Vs. Sachin Gupta*, W.P. (C) No. 1520 of 2012, being inapplicable to the case of the applicants, and the applicant-petitioners, not having fulfilled the eligibility criteria laid down in the Recruitment Rules, could not be considered for engagement as Guest Teachers. Accordingly, the respondent-opposite parties passed an order dated 31.12.2015, whereby the request made by the applicant-petitioners in their representations was not acceded to.

6. However, on 28.3.2016, when the matter was taken up, Shri K.M.Singh, the learned counsel appearing for the respondent-opposite parties, produced before us a copy of the order dated 17.3.2016 issued by the Assistant Director (PLG), Directorate of Education, Government of NCT of Delhi, from which it transpires that the applicant-petitioners have been recommended for engagement as Guest Teachers (TGT-English) at GBSSS, Karawal Nagar, and at GBSSS No.2, Tukhmir Pur, respectively, for the

academic session 2016-17, and the DDE (North East) has been advised to process their engagement on priority basis. The applicant-petitioners have been directed to report to DDE (North East), Yamuna Vihar, Delhi, during 1st April 2016 to 10th April, 2016, along with their original certificates in support of their age, educational qualification including CTET, etc. It also transpires that copies of the said order dated 17.3.2016 have been sent to the applicant-petitioners.

7. Thus, it is clear that the respondent-opposite parties have fully implemented the Tribunal's order dated 30.11.2015, *ibid*. Though there is some delay on the part of the respondent-opposite parties in complying with the Tribunal's direction contained in its order dated 30.11.2015, *ibid*, yet, keeping in mind the well settled principle of law that contempt jurisdiction is to be exercised sparingly and in very deserving cases only and not casually, and that such a power is not intended to be exercised as a matter of course, we are of the view that a case of contempt of this Tribunal is not made out against the respondent-opposite parties.

8. Accordingly, the Contempt Petition is dismissed, and the notices issued against the respondent-opposite parties are discharged. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

