

**Central Administrative Tribunal
Principal Bench: New Delhi**

**CP No.543/2015
in
OA No.2704/2014
MA No.2661/2015**

Reserved on :27.08.2015
Pronounced on:06.11.2015

Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)

Anil Kumar Shukla, TGT (Maths),
S/o Late Sh. Ram Kumar Shukla,
R/o P-9/2, K.V. No.3, Delhi Cantt.
New Delhi-110010.

...Applicant.

(Petitioner in person)

Versus

1. Sh. Avinash Dikshit, Ex.Commissioner
Kendriya Vidyalaya Sangathan (KVS)
18, Institutional Area, S.J.S. Marg,
New Delhi-110016.
2. Sh. G.K.Srivastava, Additional Commissioner (Admin) &
Central Vigilance Officer, Kendriya Vidyalaya Sangathan (KVS)
18, Institutional Area, S.J.S. Marg,
New Delhi-110016.
3. Sh. Jaideep Das Deputy Commissioner
KVS, Regional Office Agra Grand Parade Road
Agra Cantt, Agra-282001 (UP).
4. Sh. D. Manivannan Deputy Commissioner
KVS, Regional Office Ranchi KV Namkum Campus
Namkum, Ranchi-834010 (Jharkhand).
5. Smt. Veena Tirkey Principal
KV Ramgarh Cantt, PO-SRC,
Distt., Ramgarh-829131 (Jharkhand).

6. Sh. Ramvir Singh the then EOKVS (LR) & Deputy Commissioner KVS, Regional Office Ernakulam, Kadavanthra-682020 (Kerala).
7. Sh. S.D.Singh the then Principal KV OEF, Hazratpur, Firozabad-280103 (UP).
8. Dr. A.K.Yadav the then PGT (Chemistry) KV OEF, Hazratpur, Firozabad-280103 (UP).
9. Shri P.K.Yadav the then PRT KV OEF, Hazratpur, Firozabad-280103 (UP).
10. Shri J.M.Rawat the then Assistant Commissioner KVS Regional Office, Dehradun, Salawla, Hathibarkala-248001 (Uttarakhand).
11. Dr. Satyendra Pal the then Principal KV No.1, AFS Agra, Agra (UP).
12. Shri Baldev Raj Kalra the then Vice-Principal KV Bulandshahar, Distt Bulandshahar (UP). ...Respondents.

ORDER

Per Sudhir Kumar, Member (A):

The petitioner of this Contempt Petition is before this Tribunal, praying for contempt proceedings being initiated against 12 named respondents, alleging contumacious acts on their part.

2. It is seen that OA No.2704/2014 filed by the applicant had been listed for consideration on the point of admission on 08.08.2014, and the Single Bench that day had ordered for issuance of notices to the respondents to file reply in the OA, as well as on the prayer for interim relief, returnable on 17.09.2014. The proceedings in that O.A. are still going on.

3. Through MA No. 1827/2015, the applicant had sought a direction upon the respondents to file reply to the OA, which M.A. was disposed of on 29.05.2015, with a direction to the respondents to file reply, and a 2nd MA No.3631/2014 was also disposed of, stating that in so far as the prayer of seeking liberty to approach the High Court is concerned, this Tribunal is not competent to issue such a direction, and it is always open for the parties to avail all remedies before the appropriate fora.

4. The respondents of the O.A. have thereafter paid to the applicant/petitioner a sum of Rs. 11879/- against the recovery made from the salary of the applicant/petitioner through Annexure CP-IV dated 11.09.2014. In the meanwhile, the respondents have passed an order dated 22.12.2014 through Annexure CP-V, which has to be considered in the pending OA, and merit of which cannot be considered in this CP. The petitioner has also filed a copy of the orders dated 01.03.2011 and 06.03.2013 passed by the respondents, the merit of which orders can also be examined only in the proceedings in the pending OA, and not in the present CP proceedings.

5. The petitioner had earlier filed CP No.120/2012, flowing from the order passed in the OA No.513/2009, which CP was disposed of 30.06.2014, along with that OA, and the concerned MAs.

6. It is trite law that the scope of order passed in the CP is limited. While disposing of that CP, the Bench had noted that the respondents had

made substantial compliance of the order of this Tribunal in O.A.No.513/2009 dated 19.08.2009, by promoting the applicant, and liberty was granted to the petitioner to approach this Tribunal (in respect of any remaining grievances), through fresh original proceedings, and it appears that availing of that liberty the applicant has filed the presently pending OA No. 2704/2014.

7. However, as per the prayer made out in the present CP, instead of pointing out any particular contumacious act on the part of the respondents, disobeying any interim or final orders as passed in the still pending OA No. 2704/2014, the petitioner has tried to re-open many issues for adjudication, which adjudication of facts and issues can only be done in the adjudication of an Original Application, and not in the Contempt Petition.

8. Therefore, since the petitioner has failed to point out in the present CP any particular contumacious act on the part of the named respondents, in respect of any interim or final orders passed in the still pending OA, the CP does not lie, and the same is therefore, dismissed *in limine*.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/