

Central Administrative Tribunal
Principal Bench: New Delhi

CP No. 610/2014

in

OA No.1726/2010

Reserved on: 17.12.2015

Pronounced on:22.12.2015

Hon'ble Dr. B.K. Sinha, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Mrs. Om Kanta Dixit w/o Sh. P.C. Dixit,
R/o 4432B-5 & 6, Vasant Kunj,
New Delhi-110 070.

....Applicant

(By Advocate: Sh. T.D. Yadav)

Versus

1. Mrs. Chanchal Yadav
Secretary,
New Delhi Municipal Corporation,
Palika Kendra, New Delhi – 110 003.
2. Sh. A.K. Singh,
Director (Education)
New Delhi Municipal Corporation,
Palika Kendra,
New Delhi – 110 003.

...Respondents

(By Advocates: Sh. Vaibhav Agnihotri)

O R D E R

By Dr. B.K. Sinha, Member (A):

The instant Contempt Petition has been filed by the applicant alleging non-implementation of Tribunal's order dated 12.08.2010 passed in OA No.1726/2010, and seeking initiation of contempt proceedings against the respondents/contemnors for the same.

2. The case of the applicant, in brief, is that she was an Assistant Teacher in respondent organization, who retired on 31.01.2010 at the age of superannuation. She claims an illustrious career and was

awarded NDMC Teacher Award for exemplary and outstanding service in the year 1998 i.e. prior to 1990.

3. The respondents vide Resolution No.3 (xix) dated 04.03.1998 adopted the orders conveyed by the Joint Secretary (Education), Delhi Administration dated 08.07.1985 whereby it had been directed to grant an extension in service beyond the age of superannuation to those teachers who had been recipient of National/State Awards consequent upon the MCD Resolution No.238 dated 03.12.1997. It was resolved by the Council that NDMC teachers who got NMDC Award before 1990 would be granted an extension in service for one year. Admittedly, the applicant had applied for the above extension by way of a representation seven months prior to her superannuation.

4. Finding no favourable response from the end of the respondents, the applicant filed OA No.1726/2010 for the above relief, which was disposed of by this Tribunal vide order dated 12.08.2010 with the following directives:-

"16. Resultantly, for the foregoing reasons, OA is allowed. Impugned orders are set aside. Respondents are directed to consider the applicant for extension of service as per Resolution dated 4.3.1998 with all consequential benefits, within a period of two months from the date of receipt of a copy of this order. No costs."

5. When the respondents failed to implement the above direction of the Tribunal, the applicant filed CP No.831/2010 on 01.11.2010 seeking initiation of contempt proceedings against the respondents/contemnors. However, the respondents approached the Hon'ble High

Court of Delhi against the Tribunal's order by way of WP(C) No.82/2010 wherein the Tribunal's order was stayed vide order dated 07.01.2011. Resultantly, the contempt petition bearing CP No.831/2010 came to be dismissed as infructuous vide order dated 13.01.2011. Ultimately, the WP(C) No.82/2010 was disposed of by the Hon'ble High Court of Delhi vide order dated 05.04.2013 with the following observations:-

"While we are not interfering with the order passed by the Tribunal particularly because this petition has now become infructuous, we feel that the respondent deserves an order of costs in her favour inasmuch as she has been dragged in this litigation unnecessarily. The issue of the applicability and effect of the said resolution No.3(xix) dated 04.03.1998 is left open."

6. After the above decision of the Hon'ble High Court, the applicant filed a representation dated 29.12.2014 seeking release of all consequential benefits of one year extension in service as per CAT orders dated 12.08.2010. When nothing was heard from the respondents, the applicant filed the instant Contempt Petition seeking initiation of contempt proceedings against the contemnors for non-compliance of the Tribunal's order dated 12.08.2010.

7. The respondents have filed their counter affidavit denying wilful violation of the Tribunal's orders dated 12.08.2010. Rather, they have filed a compliance report by placing order 28.10.2015 vide which the representation of the applicant dated 29.12.2014 has been duly considered and found no consequential benefits becoming available to her.

8. In contempt proceedings, we are only concerned with the compliance of the order passed by the Tribunal as it is between the Tribunal and the contemnor. We find that the respondents have complied with the Tribunal's order by considering the representation of the applicant dated 29.12.2014 and disposed of the same vide their communication dated 12.08.2010 (Annexure R-1). However, since the applicant stood retired 31.01.2010 and the extension was to be granted for one year after superannuation, no purpose would be served if we accept the contention of the applicant at this belated stage. We cannot even allow the prayer of the applicant for payment of arrears for a period of one year for which she would have worked if she had been given the extension at the right time. However, we take note of the fact that the Hon'ble High Court of Delhi vide order dated 05.04.2013 passed in WP(C) No.82/2011 has taken care of that part by directing the respondents to pay costs quantified at Rs.20,000/- to the applicant for unnecessarily dragging her to the court.

10. We are conscious of the fact that in a contempt petition, the jurisdiction of the Tribunal is in a narrow focus. It has only to see that its orders are complied with. We also take note of the fact that the Tribunal orders dated 12.08.2010 in OA No.1726/2010 has merged with the order dated 05.04.2013 passed by the Hon'ble High Court of Delhi in WP(C) No.82/2011.

9. In view of our above discussion, we find that the respondents have not committed any wilful violation of the Tribunal's order and, therefore, the instant contempt petition is dismissed. Notices issued are discharged.

(Raj Vir Sharma)
Member (J)

(Dr.B.K. Sinha)
Member(A)

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