

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**CP No.632/2016
in
OA No.3960/2016**

New Delhi, this the 5th day of May, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)**

Niwas Pal
S/o Shri Tek Chand
R/0 A-14, Jawahar Navodaya Vidyalaya
Mungespur, Delhi – 110 039. Petitioner

(By Advocate:Shri M.C.Kashyap)

VERSUS

1. Shri Anil Swarup
Secretary
Ministry of Human Resource Development
Shastri Bhawan, New Delhi – 110 001.
2. Shri Bishwajit Kumar Singh
Commissioner
Navodaya Vidyalaya Samiti
Ministry of Human Resource Development
Dept. of School Education & Literacy
B-15, Institutional Area, Sector-62
Noida, UP-201309.
3. Shri B.C.Panda
Asstt. Commissioner (Estt.)
Navodaya Vidyalaya Samiti
Ministry of Human Resource Development
Dept. of School Education & Literacy
B-15, Institutional Area, Sector-62
Noida, UP-201309. Respondents.

(By Advocate:Shri S.Rajappa)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

Heard both sides.

2. The O.A. No.3960/2016 filed by the applicant was disposed of by the Tribunal on 29.11.2016 as under:-

"The main grievance of the learned counsel at this stage, is that, although the applicant has already moved representation dated 24.11.2016 (Annexure A-7), for redressal of his grievance, but the same has not yet been decided by the competent authority.

2. After hearing the learned counsel for the applicant, going through the records with his valuable help, the Original Application (OA) is hereby, disposed of with the direction to the Commissioner (Estt.), Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Department of School Education & Literacy, B-15, Institutional Area, Sector-62, Noida, UP (respondent No.3) to sympathetically consider and decide the representation dated 24.11.2016 (Annexure A-7) already filed by the applicant, by passing a 3 OA-3960/2016 speaking order, within a period of one month from the date of receipt of a certified copy of this order.

3. Meanwhile, respondents are directed to maintain status quo with regard to the service of the applicant."

3. Alleging non implementation of the aforesaid order, the applicant filed the present CP.

4. Today, the learned counsel for the respondents while producing a speaking order dated 20.01.2017 submits that they have considered the representation of the applicant and passed a speaking order and accordingly, prays for dismissal of the CP.

5. A copy of the order dated 20.01.2017 is produced and also supplied to the applicant's counsel today.

6. However, the learned counsel for the applicant submits that though the respondents said to have passed a speaking order dated 20.01.2017, the said order was not communicated to him till date and that a direction of this Tribunal to maintain status quo till the respondents considered his representation dated 24.11.2015 was since violated, they are liable to be punished under Contempt of Court Act.

7. This Tribunal while disposing of the OA No.3960/2016, on 29.11.2016, at admission stage, did not mention what was the nature of the status quo as on the date of passing of the said order, hence, whether the applicant

was actually working on 29.10.2016 or was relieved is not coming forth from the orders of this Tribunal. Hence, this Tribunal can not adjudicate into these disputed questions in the present CP.

8. In the circumstances and in view of the substantial compliance of the orders of this Tribunal, the CP is closed and notices issued to the respondents are discharged. However, the applicant is at liberty to question the order now passed by the respondents, if he is still aggrieved, in accordance with law. No costs.

(P.K.BASU)
Member (A)

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(V. AJAY KUMAR)
Member (J)