

**Central Administrative Tribunal
Principal Bench**

**CP No.649/2015
OA No.2142/2015**

New Delhi, this the 3rd day of March, 2016

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Dr. B. K. Sinha, Member (A)**

Pragilal
S/o Shri Hemraj
R/o H. No.A-104, Laxmi Vihar,
Mohan Garden
New Delh 110 059.

... Applicant.

(By Advocate : Shri U. Srivastava)

versus

1. Dr. Puneet Kumar Goel,
Commissioner
SDMC, Mukherjee Civic Centre,
J.L.N. Marg,
New Delhi-02.
2. Sh. R. C. Dhankar,
Director,
Primary Education,
SDMC, Civic Centre,
23rd Floor, Minto Road,
New Delhi-02.
3. Sh. Dharmendra Kumar
Director, Education,
NDMC, Civic Centre,
13th Floor,
Minto Road,
New Delhi-02.
4. Sh. K. Vijayan,
Director, EDMC,
First Floor,
Udyog Bhawan,
Patpad Ganj, New Delhi.
5. Sh. R. P. Rana
Assistant Director of Education (TRC)
SDMC, Education Department,
HQ Civic Centre,
23rd Floor, Minto Road,
New Delhi-02.
6. Sh. Radha Krishan,
Director (Pers)
C.E.D. Civic Centre,
13th Floor, Minto Road,

New Delhi-02.

7. Sh. Surender Bhandoria,
DDE,
West Zone, Rajouri Garden,
MCPS, Tatar Pur,
New Delhi-27.

.... Respondents.

(By Advocate : Shri R. K. Jain for respondent No.1
Shri R. N. Singh for respondent Nos.4 & 5)

: O R D E R (ORAL) :

Justice Syed Rafat Alam, Chairman :

By means of this application, the applicant has come up for initiating contempt proceedings against the respondents for non-compliance of the order dated 23.06.2015 in OA No.2142/2015.

2. We have heard Shri U. Srivastava, learned counsel for the applicant, Shri R. K. Jain, learned counsel for respondent No.1 and Shri R. N. Singh, learned counsel for respondent Nos.4 & 5.

3. At the outset, Shri R. N. Singh, learned counsel for respondent Nos.4 & 5 submitted that vide aforesaid order of the Tribunal the respondents were directed to examine the representation of the applicant and dispose of the same within fifteen days by a reasoned order. He submits that in compliance to the aforesaid direction, the respondents have passed a speaking order on 18.01.2016 whereby the representation of the applicant stands disposed of.

4. On the other hand, learned counsel for the applicant submits that the respondents have not correctly appreciated the issue and have not disposed of the representation of the applicant in accordance with law and as such, it could not be said to be a compliance of the order.

5. We do not find any force in the submission made by learned counsel for the applicant for the reason that the direction was only to decide the representation by a speaking order. From a perusal of the order dated 19.01.2016, copy whereof is produced by Shri R. N. Singh, it

is evident that reasons have been spelt out in the order. However, if the applicant is aggrieved by the order passed by the respondents, he has the remedy to assail the same in appropriate proceedings, but the Contempt Petition cannot be maintained, in view of the judgment of Hon'ble Supreme Court in ***J. S. Parihar V. Ganpat Duggar & Ors.***, (1996) 6 SCC 291, wherein the Apex Court held that once there is an order passed by the concerned authority in pursuance of the directions issued by the court, there arises a fresh cause of action to seek redressal in the appropriate forum.

6. Therefore, we are satisfied that the order of the Tribunal has been complied with substantially, and as such, we close this proceeding.

7. At this stage, Learned counsel for the applicant pointed out that the respondents have not finalized the seniority list of the Principal/Head Masters w.e.f. 01.01.2002 though more than 14 years have passed. Be that as it may, this cannot be held to be in violation of the order of the Tribunal and as such the respondents cannot be proceeded against in contempt. However, we hope and trust that the respondents shall make all endeavour to finalize the seniority list of Principals/Head Masters in accordance with law, expeditiously, provided there is no legal impediment.

8. With the above order, the contempt petition stands disposed of. Respondents are discharged from notices.

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

(Syed Rafat Alam)
Chairman

/pj/