

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

C.P. No. 603/2017 in
C.P. No. 204/2013 in
O.A. No. 1205/2012

The 7th day of September, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)

1. Vidya Prakash,
S/o Sh. Baga Ram Beniwal,
R/o No.106, DA Flats, Nimri Colony,
Ashok Vihar, Phase-IV, Delhi-110052.
2. Ramesh,
S/o Late Sh. Moladh Ram,
R/o No.112, Todarmal Colony,
Najafgarh, Delhi-110043.
3. Ajit Singh,
S/o Sh. Sultan Singh,
R/o M-50, M. Block, Gopal Nagar,
Najafgarh, New Delhi-110043.
4. Balbir Singh,
S/o Sh. Partap Singh,
R/o H. No.395, Sector-14,
Rohtak, Haryana-124001.
5. Jagdish Singh,
S/o Sh. Balbir Singh,
R/o WZ-64, Shadipur,
New Delhi-110008.
6. Bal Kishan,
S/o Sh. Ran Singh,
R/o VPO, Hassangarh,
Tehsil Sampla, Distt. Rohtak,
Haryana-124404.
7. Karan Singh Bais,
S/o Sh. Dev Lal,
R/o 251, Gali No.6, Karhera Colony,
Mohan Nagar, Ghaziabad (UP).

.. Petitioners

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Dr. M.M. Kutty,
Chief Secretary,
Govt. of NCT of Delhi
Delhi Secretariat,
I.P Estate, New Delhi.

2. Shri A. Ambarasu,
Secretary (Services)
Govt. of NCT of Delhi
Delhi Secretariat,
I.P. Estate, New Delhi.

3. Ms. Saumya Gupta,
Director (Education),
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

.. Respondents

(By Advocate: Shri Anuj Kumar Sharma)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. O.A. No. 1205/2012 filed by the applicants was allowed vide orders dated 23.11.2012, as under:

“3. In view of the above position, learned counsel for the respondents Ms. Alka Sharma, fairly admitted that the aforesaid judgment squarely covers the present case also. We, therefore, allow this OA and direct the respondents to extend the same benefits to the applicants herein as given to the applicants in OA No.1795/2011 (Supra) within a period of two months from the date of receipt of a copy of this order.

5. There shall be no order as to costs.”

3. Alleging non-implementation of the aforesaid orders, the applicants filed CP No.204/2013 and this Tribunal on 19.09.2013, noticing that by passing an order dated 18.09.2013 the respondents have complied with the orders of this Tribunal in the O.A., closed the CP.

4. The applicants again filed the instant CP alleging that the respondents though complied with the orders in O.A. No.1205/2012 by passing orders on 18.09.2013, but the 2nd respondent, i.e. the Secretary (Services), vide his letter dated 20.04.2017 directed the Secretary, Directorate of Education that “the benefit of Old Pension Scheme/GPF Account Number extended to the employees of Directorate of Education, who have joined on or after 01.01.2004, may be withdrawn under intimation to this department” and, accordingly, submits that withdrawing the order which was passed in compliance of the orders of this Tribunal amounts to contempt of the orders of this Tribunal and, hence, the respondents/contemnors are liable to be punished under the provisions of Contempt of Courts Act.

5. On the other hand, the learned counsel for the respondents, while not disputing the letter dated 20.04.2017 directing the Secretary, Directorate of Education to withdraw the earlier orders, however, submits that the same is an internal correspondence and

till date no withdrawal orders are passed and the instant CP is not maintainable at this stage.

6. We agree with the contentions of the learned counsel for the respondents. Accordingly, the CP is dismissed as not maintainable. However, if the respondents withdraw the orders dated 18.09.2013, which was passed in compliance of the orders of this Tribunal and got the CP 204/2013 closed by showing the same on any future date, without following the procedure, the petitioners are at liberty to avail their remedies, in accordance with law. No costs.

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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