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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 452/2004 IN
OA NO. 565/2003

This the 1st day of December, 2004

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. S.A.SINGH, MEMBER (A)

Bharati Vyas
W/o Sh. Harjiwan Vyas,
R/o 4/51-A, HIG Vaishali,
Sahibabad, (U.P.) 201010.

(By Advocate: Sh. Sakesh Kumar)

Versus

1. Mrs. Geeta Sagar
Secretary
Department of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-54.
2. Sh. Rajender Kumar
Director of Education,
Directorate of Education,
Government National
Territory of Delhi,
Old Secretariate,
Delhi-54.

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant wants the respondent to be punished under Contempt of Courts Act for willful and intentional disobedience of the order of this Tribunal dated 11.12.2003 in OA-565/2003. Applicant is a PGT employee in the respondents' school. He had filed the OA challenging the seniority list dated 18.7.2002 and the order dated 26.11.2002 whereby the representation of the applicant was rejected by Respondent No.1 and 2. This Tribunal found that the list has not been circulated to the teachers and the representation of the applicant could not have been rejected on the plea that it was delayed. The Tribunal found that in the reply to the OA it was stated that the merit list of the year, when the applicant

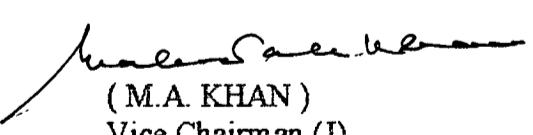
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was recruited, was not available and the respondents had reckoned the seniority of the recruited person on basis of the date of their appointment letter. The Tribunal observed that the seniority would have to be drawn on the basis of merit list and not on the basis of date of appointment letter which vary. The Tribunal did not go into the merit of the contention raised and quashed the order dated 18.7.2002. The Tribunal directed that the respondents should take the necessary steps to draw the seniority list on merit and thereafter communicate it to the applicant.

2. Present application is filed by the applicant complaining that new seniority list has been published on the website of the respondents which is almost identical to the earlier list but only two more names have been included in the said list. This Tribunal in a contempt proceeding will not be able to consider the contention raised by the applicant against the correctness or otherwise of the ~~seniority~~ list. Applicant could have submitted a representation if the seniority list was not correctly redrawn or he was at liberty to assail it in a substantive petition by filing an OA or initiate any other available legal remedy against it. The direction of the Tribunal was that new list be drawn on the basis of merit/seniority. The list has now been drawn and circulated. Accordingly, we do not find that it is a case where we could prima facie hold that the respondent has willfully or contumaciously disobeyed the orders of the Tribunal calling for a contempt action against the respondents.

3. We do not find it a fit case for issuing a show cause notice to the respondents and dismiss the CP.


(S.A. SINGH)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

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