

THE HIGH COURT OF MEGHALAYA

Cont Case No. 13 of 2014
IN WP(C)NO. 372 OF 2013

Shri Ranbir Kumar, son of (L) B Mahto, R/o Qtr No. D-2,
Staff Quarter, Kendriya Vidyalaya Laitkor Peak, Shillong-
793010.

.....Petitioner

-Versus-

1. Ms Rajarshi Bhattacharya, Secretary representing the
Union of India, Ministry of Human Resource Development,
Shastri Bhawan, New Delhi-110001.

2. Shri KJ Subba, The Deputy Commissioner, Kendriya
Vidyalaya Sangathan, Jawahar Nagar, Khanapara,
Guwahati-781022.

3. Gp. Capt. Shailesh Ranjan, the Chairman, Vidyalaya
Management Committee 509, SU, AFS Laitkor Peak,
District East Khasi Hills, Shillong-793010.

4. Sharawan Kumar, the Principal, KVLP, Shillong-793010

..... Respondents

Shri Ranbir Kumar appears in person for petitioner.

Shri HL Shangreiso, Advocate, present for respondents

Date of Judgment and Order 29th September, 2014

BEFORE

**HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)**

JUDGMENT AND ORDER (Oral)

I have heard petitioner in person and Mr HL Shangreiso, learned counsel for respondents and perused the pleadings of contempt petition.

2. The petitioner claims to be aggrieved by the non-compliance of directions issued in the judgment and order passed in WP(C)No. 372 of 2013 dated 10.06.2014, by the learned single Judge of this Court. The operative portion of the judgment vide paragraph 6 reads as under :

“Taking into consideration of the fact that the contractual employment of the petitioner as a teacher was to be expired on March, 2014 and he had been paid salary up to February, 2014, the respondents are directed to pay the salary of March, 2014 to the petitioner within four weeks’ time from the date of receipt of a certified copy of this judgment and order. However, this Court is not making any opinion about the allegations made by the petitioner against the respondent No. 4. The petitioner may file complaint against the incumbent of the office of the Principal of Kendriya Vidyalaya (KV), Laitkor Peak, Shillong to the competent authority.”

3. The petitioner in person, however, appears to be further aggrieved by his engagement only on contract basis for 2014-2015 in another school which too has been terminated under the instructions of the Deputy Commissioner. The petitioner in person submits that he challenged the termination of his contractual appointment for 2014-2015 before the Central Administrative Tribunal

at Guwahati and the Tribunal has directed in Original Application No. 040/00226 of 2014 to dispose of his representation in a judicious manner. The said order on reproduction reads as :

“Thereafter, applicant made an application before the respondent No. 2 i.e. the Deputy Commissioner, Kendriya Vidyalyaya Sangathan, Guwahati Region, Jawahar Nagar, Khanapara, Guwahati on 07.07.2014 which is still pending. Let justice be done by directing the respondent No. 2 to dispose of the aforesaid pending representation dated 07.07.2014 in a judicious manner by passing a reasoned and speaking order by providing an opportunity of being heard. The said exercise shall be carried out within a period of three months from the date of receipt of a copy of this order.

OA stands disposed of accordingly at the admission stage. No order as to costs”

4. Now the petitioner in person contends that the judgments passed in writ petition and the Original Application before the CAT, have not been complied with in toto, therefore, he has filed this contempt petition. It is his submission that unless the ratio decidendi as well as the obiter dicta, both are complied a simple compliance of direction would not satisfy him and thus, the respondents are still in contempt.

5. Learned counsel for the respondents on the other hand, submits that the respondents have already complied with the judgments by making payment of one

month's salary, and therefore, it is in correct to allege that the judgments of learned single Judge as well as the CAT as aforesaid have not been complemented. Thus, according to him, this contempt petition would not survive. It is also the contention that since the cause of action in the Original Application is separate, therefore, the same cannot be mixed up with the issues of the writ petition decided by learned single Judge. In fact the judgment of the CAT is an independent cause of action, and incase, the order of the Tribunal is not complied with, the petitioner may have separate remedy for that. As the judgment of learned single Judge has been complied with and one month's salary has already been paid, I do not find any merit in the contempt petition, which is hereby dismissed. Incase the petitioner is aggrieved by non-compliance of the judgment and order of the CAT, it would be open for him to approach that forum to seek appropriate relief.

**CHIEF JUSTICE
(ACTING)**

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