

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 158/2003 in
OA No. 2804/2001

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New Delhi this the 11th day of August, 2003

Hon'ble Smt. lakshmi Swaminthan, Vice Chaiman (J)
Hon'ble Shri V.K.Majotra, Member (A)

1. Shri Shanti Prasad Pant,
S/O Shri Trilochan Prasad,
working as LDC in Air Headquarters,
Ministry of Defence, New Delhi-11
2. Shri Trilochan Prasad son of Shri
Tara Chand Retired as Sr. Supervisor
from O/O The General Manager, Central
Telegraph Office, New Delhi
both Residents of MTP 535, Sarojini
New Delhi.

..Petitioners

(By Advocate Shri B.Krishan)

VERSUS

1. Ms. Achla Sinha,
Director of Estates, Directorate
of Estates, 4th Floor 'C' Wing,
Nirman Bhawan, New Delhi.
2. Shri Ashok Kumar Madan,
General Manager, Central Telegraph Office,
Department of Telecommunications,
Eastern Court, New Delhi-110001

..Respondents

(By Advocate Shri R.N.Singh, learned
counsel for R-1)
(By Advocate Shri M.M.Sudan, learned
senior counsel for Respondent No.2)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri B.Krishan, learned counsel for the
petitioners and Shri R.N.Singh, learned counsel for
respondent No.1 and Shri M.M.Sudan, learned senior counsel
for respondent No.2.

2. We have also seen the brief charge placed on
record by the learned counsel for the petitioners.
According to him even after a lapse of about 10 months, it

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appears that the respondents have deliberately avoided implementing the Tribunal's order dated 1.5.2002 in OA 2804/2001 and, therefore, the respondents are liable to be called upon to explain the reasons therefor. To this, both the learned counsel for the respondents have explained that ~~respondents have not~~ ^{respondents have not} ~~no where they have~~ taken any action to have the applicant evicted from Type 'C', accommodation which he is presently occupying. They have also further submitted that Type 'C' accommodation presently occupied by the applicant belongs to Telecom, whereas the applicant is entitled to Type 'B' accommodation under the "General Pool", which has also been indicated in Tribunal's order. Further, Shri R.N.Singh, learned counsel has submitted that respondent No.1 has filed CWP 2844/2003 with CM 4788/2003 which is pending before the High Court and is listed on 14.10.2003. Notices have also been issued by the High Court to the opposite parties.

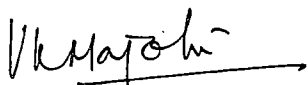
3. It is, ^{further} ~~however~~, relevant to note that the petitioner has also not stated that any Type 'B' accommodation has fallen vacant in the "General Pool" and the rules under which he would be entitled to the same in preference to others, in accordance with Rules.

4. Having regard to the aforesaid order of the Tribunal and the position noted above, ^{also} ~~as~~ submitted by the learned counsel for the respondents, we find no justification to proceed further in this CP as it cannot be

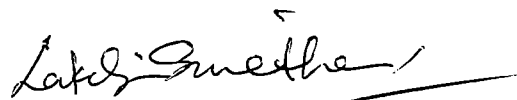
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held that in the circumstances of the case, the respondents have committed any deliberate or wilful disobedience of the Tribunal's order. Accordingly, CP 158/2003 is dismissed. Notices issued to the alleged contemners are discharged. File be consigned to the record room.



(V.K.Majotra)
Member (A)



(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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