

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.204/94 in OA No.846/94

New Delhi this the 12th day of July, 1994.

MR.JUSTICE S.K.DHAON, ACTING CHAIRMAN
MR.B.N.DHOUNDIYAL, MEMBER(A)

1. Raj Bala Malik
D/o Shri D.C.Malik
R/o H.No.922, Sector-VII, Pushp Vihar,
Saket, New Delhi

2. D.C.Malik
S/o Shri Lakhi Ram
R/o H.No.922, Sector VII, Pushp Vihar
Saket, New Delhi

Petitioners

BY ADVOCATE SHRI K.C.MITTAL.

vs.

1. Dr.J.P.Singh, Secretary,
Ministry of Urban Development
Nirman Bhawan, New Delhi

2. Sh.S.Patnaik(Director-II)
Directorate of Estate,
Nirman Bhawan, New Delhi.

3. Delhi Administration(National
Capital Territory)through
Chief Secretary,
5-Sham Nath Marg, Delhi ... Respondents

ORDER(ORAL)

Justice S.K.Dhaon:

The complaint in this petition is that the interim order passed by this Tribunal on 27.4.1994 has been observed in its breach and, therefore, appropriate proceedings for punishing the respondents for having committed the contempt of this court may be drawn.

2. The interim order as material was:

"...Meanwhile the respondents are directed to maintain status quo as regards the Quarter No.922, Sector-VII Pusp Vihar, M.B.Road, New Delhi till the next date of hearing."

This order has been extended and continues to operate even now.

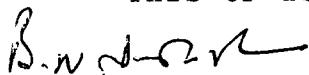
3. The contumacious act alleged to have been committed by the respondents is that on 28.4.1994 a letter was issued to the petitioners for recovering a sum of Rs.29,850 and this letter was despatched on 5.5.1994. The second act alleged to have been

by them committed /is the issue of the letter dated 4.5.1994 asking the petitioner to vacate the premises within 15 days and in the event of non-compliance, force will be used.

4. The interim relief claimed in the OA was that this Tribunal may pass order/directions restraining the respondents from dispossessing the petitioners from the aforesaid quarter till the disposal of the OA.

5. If the interim order passed by this Tribunal is read along with the prayer for interim relief, the conclusion is inevitable that the status quo was directed to be maintained only with respect to the ejection of the petitioners from the accommodation. By no stretch of imagination, it can be contended by the petitioners that this Tribunal also directed the respondents not to make any claim for rent/damages. In our opinion, the respondents did not violate the interim order when they issued a notice to the petitioners calling upon them to pay arrears of rent/damages and also directing them to vacate the premises failing which force will be used. The order been would have/ violated if the petitioners had been dispossessed from the accommodation. We however, make it clear that the interim order passed by this Tribunal that the petitioners shall not be dispossessed from the accommodation still stands. The remedy of the petitioners, if any, so far as the recovery of rent/damages is concerned is to file, if so advised, another Misc.Application for interim relief in the existing OA.

6. This CP is rejected summarily.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
ACTING CHAIRMAN