

Central Administrative Tribunal  
Principal Bench, New Delhi

C.P.17/95  
O.A.162/94

New Delhi this the 8th Day of March, 1995.

Hon'ble Shri J.P. Sharma, Member (J)  
Hon'ble Shri B.K. Singh, Member (A)

Shri Kapur Singh Dalal,  
Asstt. Commissioner of Police  
R/o G-4, Police Station Kalkaji,  
New Delhi. ....Petitioner

(By Advocate : Shri S.K. Bhaduri)

Versus

1. Mrs Anita Roy,  
Dy Commissioner of Police (HQ)  
No.3, M.S.O. Building,  
Police Headquarters,  
New Delhi.
2. Shri V.N. Singh,  
Addl Commissioner of Police (Admn.)  
MSO Building,  
Police Headquarters,  
New Delhi.
3. Shri Nikhil Kumar,  
Commissioner of Police  
Police Headquarter,  
MSO Building,  
New Delhi.
4. Delhi Administration,  
through Lt Governor  
Shri P.K. Dave,  
1 Raj Niwas Marg,  
Delhi.
5. Shri A.K. Ojha,  
R/o P-9 Type III, FRRO Lines,  
Safdarjung Airport,  
New Delhi. ....Respondents

(By Advocate : Shri B.S. Gupta)

Judgement (Oral)  
(By Hon'ble Shri J.P. Sharma, Member (J))

C.P.No.17/95 in O.A.No.162/94. The petitioner is Assistant Commissioner of Police. He filed an earlier application No.2023/92 at the time when he was Inspector, praying for allotment of Type-IV quarter on certain compassionate grounds and referring the Quarter E-1, P.S. Kalkaji. That application was

disposed of by the judgement dated 29th September, 1992 with the direction to the respondents to consider allotting of quarting No.E-1 Type-IV Kalkaji, as per extant rules taking into account the seniority as well as the disability of the applicant. As it was insisted that the same accommodation be allotted, the respondents were also directed to sympathetically consider his case even on out of turn basis as per extant rules. It appears that the same premises was not vacant when the aforesaid judgement was delivered.

2. The applicant again filed OA 162/94 mentioning about the judgement dated 29th September, 1992 passed in OA.2023/92 and that application too, was disposed of, with almost a similar direction that the respondents may consider the case of the applicant on next available quarter on ground floor Type-IV in <sup>the</sup> adjacent area within the radius of 10 kms. of All India Institute of Medical Sciences, including Kalkaji and even they may consider E-I Type-IV quarter at Kalkaji. It appears that the quarter E-1 Type-IV Kalkaji, New Delhi was not vacant when the order was passed in that OA on 26th July, 1994. The applicant filed this CP on 19th January, 1995 naming Mrs. Anita Roy, Deputy Commissioner of Police (HQ), New Delhi for committing the alleged Contempt of Court in not following the direction given in OA.162/94.

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3. The matter came before the Court No.1 but it has been transferred today for consideration for this Bench as an earlier decision in the O.A.2023/92 was delivered by one of <sup>us</sup> (Hon' Shri J.P. Sharma), delivered as single Member Bench.

4. We heard the applicant in person earlier and after sometime he desired his counsel who was not available at that time, may also be heard. We gave certain opportunity to Shri S.K. Bhaduri and we have heard him. We have also heard Shri B.S. Gupta representing respondents earlier and again in the presence of the Counsel for the petitioner. The learned counsel for the respondents has fervently argued the non-maintainability / Contempt Petition and placing before us for our perusal Order dt. 7.3.95 Type IV along with report of vacation of Flat No.E.1 / Kalkaji dated 1.3.95. The aforesaid quarter E.1 Kalkaji has fallen vacant on 1.3.95 and, therefore, compliance if any of the direction issued by the Tribunal with respect to this particular quarter could have arisen only after 1.3.95. The applicant has filed Contempt Petition on 13.1.95. Thus this contempt petition as regards non-compliance for the direction for allotment of E.1 Type quarter Kalkaji does not lie at all. However, for non-consideration of the applicant for allotment of another Type IV quarter within the radius of 10 kilometers of All India Institute of Medical Sciences by virtue of order passed in O.A.162/94 on 26.7.94, the petitioner can raise grievance.

5. Though the Court No.1 has allowed time to the petitioner to file rejoinder to the reply filed by the contemner, the statement hereinafter given by the counsel for the petitioner, we find that no rejoinder need be filed by the petitioner.

6. The learned counsel is not pressing Contempt Application in view of the categorical unqualified statement given by the learned counsel of the alleged contemner Ms Anita Roy on behalf of the respondents <sup>stated</sup> Shri B.S. Gupta that the respondents within a period of one month will consider the case of the applicant as per extant rules after due application of mind, and the observations made by the Tribunal in its earlier decisions delivered on the application of the applicant No.2023/92 in the judgement dated 29th September, 92 and in O.A. No. 162/94 decided on 26.7.94.

7. It is needless to emphasise that the applicant has projected his case in the Original Application filed earlier on compassionate grounds that he is undergoing regular medical check up at All India Medical Institute of Medical Sciences. It has also been observed that the applicant suffers from some handicap. It is, therefore, expected that the assurance given by the counsel for the respondents on behalf of the respondents shall be carried out in letter and spirit. On this assurance having been furnished by the counsel for the respondents Shri Gupta, the learned counsel for the applicant is not pressing this contempt application and want that it

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should also be mentioned here that the Quarter No.E.1  
Type IV, Kalkaji has since been fallen vacant, is  
vacant.

8. The learned counsel for the respondents Shri  
Gupta also gave assurance that the respondents will  
not allot the said quarter without considering the  
case of the applicant to any other aspirant. The  
Contempt application therefore is dismissed and the  
notice issued is discharged. Cost on Parties.

  
(B.K. Singh)

Member (A)

  
(J.P. Sharma)

Member (J)

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