

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 287/94 in
O.A. NO. 1402/94

New Delhi this the 12th day of January, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER(A)

Shri Raj Pal Kailania,
R/O 174/2, Rajokri,
New Delhi - 110038.

... Applicant

(By Advocate Shri U. S. Bisht)

Versus

Shri Gautam Roy,
Garrison Engineer South (AF),
Palam.

... Respondent

(By Advocate Mrs. Meera Chhiber)

ORDER (ORAL)

Shri Justice S. C. Mathur -

The applicant alleges disobedience by the respondent of the Tribunal's interim order dated 8.7.1994 passed in O.A. No. 1402/94.

2. By the aforesaid interim order, following provision was made :-

"Issue notice to the respondents returnable on 22.07.94. Till that date, i.e., 22.07.94, the respondents shall neither realise rent/ damages from the applicant on the footing that he is unauthorised occupant and they also not forcibly evict the applicant from the accommodation under his occupation...."

3. The applicant alleges that despite service of this order, deduction was made from the salary paid to him on 31.7.1994. In paragraph 5, it is stated that that salary related to the month of July, 1994.

4. In the reply filed on behalf of the respondent, it is stated that the applicant has not impleaded the correct person in the contempt application. It is pointed out that the applicant at the time the interim order was passed was not posted under G.E. South (AF) Palam but was posted under G.E. (P) R.R. Hospital. It is further stated that the interim order passed by the Tribunal was not brought to the notice of the G.E. (P) or the A.A.O. of that office and accordingly while making payment of salary for the month of May, 1994 for which the bill had been prepared in June, 1994, the deduction was made. It has also been pointed out that after knowledge of the interim order was acquired by G.E. (P) no deduction has been made.

5. The only person impleaded in the present contempt application is Shri Gautam Roy, G.E. South (AF) Palam. The facts stated in the reply have not been controverted through a rejoinder. It, therefore, stands admitted that at the relevant time the applicant was not posted under G.E. South (AF) Palam but was posted under G.E. (P) R.R. Hospital. The applicant should have, therefore, brought the interim order to the notice of the G.E. (P) R.R. Hospital to enable him to comply with the order. Since the present respondent was not responsible for payment of applicant's salary, obviously he cannot be held guilty for the deduction made in the office of G.E. (P) R.R. Hospital.

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6. In view of the statement contained in the reply that no deduction has been made after communication of the interim order to G.E. (P) R.R. Hospital, it is apparent that the concerned authorities had every intention to obey the order of the Tribunal.

7. In view of the above, the application lacks merit and is hereby rejected. There shall be no order as to costs.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/