

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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Contempt Application
No. 307/1994 in
O.A. No. 546/1994

New Delhi this the 22nd Day of November, 1994

Hon'ble Mr. Justice S.C. Mathur, Chairman
Hon'ble Mr. P.T. Thiruvengadam, Member (A)

Shri Manohar Khosla,
S/o Late Shri Gauri Shankar Khosla,
Assistant, Planning Commission,
Yojna Bhawan, Sansad Marg,
New Delhi.

.... Applicant

(By Shri B.B. Raval, Advocate)

Vs

Union of India, through

1. The Secretary,
Ministry of Urban Development,
Govt. of India, New Delhi.
2. The Director,
Directorate of Estates,
Government of India,
New Delhi.
3. The Secretary,
Planning Commission,
Govt. of India,
Sansad Marg, New Delhi.

... Respondents

(By Shri VSR Krishna, Advocate)

O R D E R

Hon'ble Mr. Justice S.C. Mathur, Chairman

The applicant alleges disobedience by the respondents of the Tribunal's judgement and order dated 8.7.1994 passed in the Original Application No. 546/1994.

2. In the original application the grievance of the applicant was that he was not getting any

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official residence despite efforts and when allotment order was passed in his favour on 26, 27/3/1992 possession thereof could not be given to him. He claimed the following substantive relief in the O.A.:

"To quash all out of turn allotments except on extreme compassionate grounds/ medical considerations and all accommodations given on political recommendations be directed to be cancelled and if it is not feasible to cancel such allotments immediately and the allottees may be directed to be transferred out of Delhi."

The O.A. was disposed of with the direction "to allot a quarter in accordance with their sanction order dated 26/27-3-1992 within two months from the date of receipt of this order." The applicant filed the Contempt Application on 28.9.1994 alleging that no allotment order had been made despite the judgement of the Tribunal. Notice was issued to the respondents returnable on 10.11.1994. On that date, the learned counsel for the respondents placed before the Bench order dated 8.11.1994 allotting to the applicant an accommodation in Nanakpura locality. On the basis of this order it was submitted by the learned counsel for the respondents that the judgement of the Tribunal stands complied with.

3. The applicant did not dispute that accommodation in Nanakpura had been allotted to him by the order dated 8.11.1994 but contended that the said allotment is not in conformity with the spirit of the judgement of the Tribunal. The learned counsel submitted that the Tribunal's order specifically required allotment of an accommodation in accordance with the sanction

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order dated 26/27-3-1992. Particular reliance was placed on this observation in the order dated 26/27-3-1992, "It has been decided to sanction adhoc allotment of Type 'B' accommodation restricted to near hospital on 'NAV' basis to Shri Manohar Khosla." The submission of the learned counsel is that in view of the observation in the judgement of the Tribunal the allotment of accommodation in pursuance thereof was to be restricted to a place near a hospital. The learned counsel submitted that there was no hospital near the locality where the allotted house is situated. Since this was a factual averment the applicant was given opportunity to file affidavit within three days, the application came-up on 15.11.1994 when the learned counsel for the applicant stated that affidavit had been filed in the Registry. That affidavit was not available on record. The learned counsel, however, prayed that arguments may be heard on the basis of the copies of the affidavit available with the learned counsel for the parties and the office may be directed to place the affidavit on record subsequently. We acceded to the request of the learned counsel for the applicant and heard both the counsel. The Registry has now placed the applicant's affidavit dated 12.11.1994 on record.

4. In paragraph 5 of the aforesaid affidavit the applicant has stated that he is CGHS beneficiary and has been taking treatment from Government Hospitals, New Delhi, namely, Safdarjung Hospital/ All Indian Institute of Medical Sciences, New Delhi and Psychiatric Centro, Kidwai Nagar, New Delhi. In paragraph 6 it has been

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stated that the hospitals mentioned in paragraph 5 are situate more than 5 kms away from the house allotted to him. In the same paragraph it has also been stated that Dr. Ram Mahendar Lohia Hospital, New Delhi is more than 9 kms from the allotted house. In none of the paragraphs, the applicant has disclosed the distance between the house mentioned in sanction order dated 26/27-3-1992 and the nearest hospital therefrom. In a big city like Delhi, the distance of 5 kms is not much.

5. In paragraph 7 of the affidavit it is stated that there are thousands ^{of} quarters around the vicinity of the Psychiatric Centre, Kidwai Nagar, Laxmi Nagar, Sajorini Nagar as well as DIZ Area Cole Market area, Baba Kharak Singh Marg etc. Perhaps these facts have been stated to assert that the applicant could be allotted a quarter in these areas. However, there is no statement in this paragraph that any of the said quarters was vacant. The mention of these quarters in paragraph 7 is, therefore, meaningless.

6. It is also the case of the applicant that he should have been allotted the quarter in "Next Available Vacancy." The plea of the applicant appears to be that the first accommodation which fell vacant after the communication of the Tribunal's order should have been allotted to him. The applicant has, however, not indicated any such accommodation in his affidavit. Apart from this there is no direction also from this Tribunal to allot accommodation to the applicant which falls vacant immediately after the communication of the Tribunal's order.

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7. In view of the above we are of the opinion that the order of the Tribunal has been complied with although with some delay. The delay is not such as to warrant any framing of charge or imposing punishment.

8. In view of the above the application is consigned to record. There shall be no order as to costs.

P. J. Thiruvengadam
22/11/94

(P.T. Thiruvengadam)
Member(A)

Chairman
22.11.94

(S.C. Mathur)
Chairman

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