

Central Administrative Tribunal
Principal Bench: New Delhi

CP No.76/96 in
OA No.488/95

(A)

New Delhi this the 3rd of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

B.S.Layal
S/o Late Sh. S.S.Layal
Retired I.O.W.
Northern Railway
Punjabi Babh
New Delhi
R/o J-4/29B Khirki Extension
Malviya Nagar
New Delhi.

...Petitioner

(Through Sh.S.K.Sawhney, Advocate)

Versus

1. Shri V.K.Aggarwal
General Manager
Northern Railway
Baroda House
New Delhi
2. Sh. Piyush Aggarwal
Divisional Supdtg, Engineer (Estate
Northern Railway
D.R.M.Office
New Delhi.

...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This Civil Contempt Petition has arisen out of order in OA No.488/95. In the final order, the respondents were directed to release the B.C.R.G. amount to the applicant after making deduction of the rent due from him. Alleging that this direction has not been complied with, the petitioner has filed this Civil Contempt Petition praying that action may be taken against the respondents under the Contempt of Court Act. The respondents have filed a reply affidavit in which they have stated that the B.C.R.G. amount of the petitioner stands released after making deductions towards rent only, as also the electricity charges. Details of the deductions have also been mentioned in the annexure to the affidavit.

For the delay in implementation of the order, the respondents have tendered an apology and stated that the delay was not intentional.



2. Learned counsel for the petitioner states that the deduction towards the electricity charges is in excess of what actually should have been deducted. We find that this is not a matter that should be gone into in the CP under the Contempt of Court Act. If the petitioner genuinely feels that any amount in excess of what has been due from him has been deducted, it is open for him to seek refund thereof, either claiming from the respondents themselves or through appropriate proceedings initiated in that behalf. In a CP such matters cannot be gone into. Accepting the apology tendered by the respondents for the delay in implementation of the orders of the Tribunal, we consider that it is not necessary to proceed with the contempt petition any further. Hence the petition is closed and notice discharged.


(R.K.Ahooja)

Member (A)



(A.V.Haridasan)

Vice Chairman (J)

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