

Central Administrative Tribunal
Principal Bench

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C.P. No. 333 of 1998

in

O.A. No. 2805 of 1997

New Delhi, dated this the 8th March 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Hon'ble Mr. T.N. Bhat, Member (J)

Shri K.N. Bahuguna,
S/o late Shri A.N. Bahuguna,
C/o 465, Lawyers Chambers,
Patiala House,
New Delhi-110001.
(In Person)

... Petitioner

Versus

1. Dr. S.M. Sarin,
Acting Director,
Central Road Research Institute,
P.O. C.R.R.I.
Delhi-Mathura Road,
New Delhi-110020.

2. Ms. Manju Bagai,
Legal Adviser,
Council of Scientific & Industrial Research,
'Anusandhan Bhawan',
Rafi Marg,
New Delhi-110001.

.. Respondents

(By Advocate: Shri V.K. Shali)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard both sides on C.P. No. 33/98
alleging contumacious disobedience of the
Tribunal's order dated 12.8.98 in O.A. No.
2805/97.

2. In that O.A. applicant had sought
release of retiral benefits and related reliefs.
During hearing it was not denied by respondents'
counsel that applicant's representation dated
10.8.95 seeking the aforesaid release was not

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disposed of. Accordingly the O.A. was disposed of with a direction to respondents to dispose of the aforesaid representation dated 10.8.95 in the first instance by a detailed order in accordance with rules and instructions, giving liberty to applicant. That if any grievance survived thereafter it would be open to him to agitate the same in accordance with law if so advised.

3. Applicant alleges in the C.P. that respondents have not disposed of his representation dated 10.8.95 as yet, and are therefore guilty of contempt of the Tribunal's order dated 12.8.98.

4. Respondents on the other hand contend that applicant was an employee of respondent institute and took voluntary reitirement w.e.f. 1.11.89. Upon applicant's failure to vacate the premises allotted to him, he was declared an unauthorised occupant, but as respondent institute did not come within the purview of the P.P.Act 1971 they filed O.A. No. 1997/92 before the Tribunal for eviction and recovery of penal license fee etc. During the pendency of the O.A. applicant vacated the premises on 30.3.93 without giving proper possession. That O.A. was decided on 27.11.97 in favour of respondents (applicants in the O.A.) with certain directions, against which applicant had filed CW-597/98 and CM-1017/98 in Delhi High Court and the order dated 27.11.97 had been stayed.

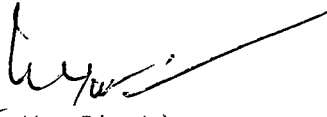
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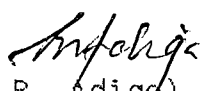
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5. Respondents state that the above facts were not brought to the Tribunal's notice at the time order dated 12.8.98 was passed in O.A. No. 2805/97 against which R.A. No. 196/98 had been filed seeking review of the same.

6. In the light of the foregoing which has not been effectively denied by applicant it cannot be said that there has been any deliberate, flagrant, or wanton disobedience of the Tribunal's order dated 12.8.98 to warrant initiation of contempt proceedings against respondents.

7. The C.P. is therefore dismissed and notices to alleged contemnors are discharged.


(T.N. Bhat)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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