

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. No. 134 of 1994 In
O.A. No. 1786 of 1993

New Delhi this the 22nd day of September, 1994

Mr. Justice S.K. Dhaon, Acting Chairman
Mr. B.N. Dhoundiyal, Member

Shri T.N. Tiwari
R/o 16-D, Railway Colony,
Tughlakabad,
New Delhi.

...Applicant

By Advocate Shri S.K. Sawhney

Versus

1. Shri R.N. Asha
Divisional Railway Manager,
Northern Railway,
New Delhi.

2. Shri R.K. Shrihar,
Divisional Engineer,
Northern Railway,
Tughlakabad,
New Delhi.

...Respondents

By Advocate Shri K.K. Patel

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Acting Chairman

The complaint in this application is that the direction given by this Tribunal on 12.1.1994 has not been carried out by the respondents. The relevant portion of the order is:-

".....However, on humanitarian grounds I feel it is a fit case for giving a direction to the respondents. The respondents are directed to dispose of the representation of the applicant, if not done so far, within a period of two months from the date of receipt of this order by them. The interim order already granted will continue till then.."

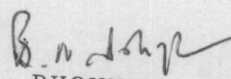
A counter-affidavit has been filed on behalf of the respondents. Copy of the order passed by the relevant competent authority disposing of the representation of the applicant is annexed to it. No doubt, the representation has been considered and rejected. However, it is urged by the counsel for the applicant that the representation has, in fact,

57

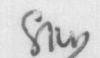
not been considered. A copy of the representation is on record. A perusal of the same indicates that the applicant has averred therein that two persons got themselves registered after the applicant has been allotted the accommodation. Learned counsel for the respondents states that this question was gone into by this Tribunal. We have read the judgment and we find that no finding has been recorded on the question that the respondents acted arbitrarily in allotting the accommodation to two different persons who got registered after the applicant. The Tribunal merely issued the direction to the relevant competent authority. It is implicit in the order of the Tribunal that the authority concerned was required to go into the representation of the applicant on merits. The order, therefore, has not been passed in accordance with the directions given by this Tribunal. The relevant competent authority is directed to pass a fresh order keeping in view the averments made in the representation. If he decides to reject the representation of the applicant, it shall meet all the contentions raised by the applicant in the representation by a speaking order. The representation shall be disposed of as expeditiously as possible. Till the representation is disposed of, the applicant shall not be dispossessed from the accommodation in question.

With these directions, this Contempt Petition is disposed of. Notice issued to the respondent is discharged.

No costs.


(B.N. DHOUNDIYAI)
MEMBER (A)

RKS


(S.K. DHAON)
ACTING CHAIRMAN