

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 181/1995

in

O.A. NO. 1422/1993

New Delhi this the 8th day of February, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Smt. Choti Devi Wd/o Late Ram Chander.
2. Rakesh Kumar S/O Late Ram Chander,
R/O Q. No. E-33/C Loco Colony (MG),
Delhi Sarai Rohilla,
Delhi. ... Petitioners

(By Shri Yogesh Sharma for Shri V. P. Sharma, Adv.)

-versus-

1. Shri R. M. Aggarwal,
Divisional Railway Manager,
Northern Railway,
Bikaner Division,
Bikaner.
2. Shri Suraj Prakash,
Chief Health Inspector,
Northern Railway,
Delhi Sarai Rohilla,
Delhi. ... Respondents

(By Shri R. L. Dhawan, Advocate)

O R D E R (ORAL)

Shri N. V. Krishnan, Acting Chairman -

Contempt has been alleged in respect of the interim order dated 2.8.1993 by which the respondents were restrained from dispossessing the petitioner from his quarter for 14 days to begin with. That order had been continued until further orders on 4.4.1994, Annexure C-2. Admittedly, contrary to the directions, a notice dated 23.3.1995, Annexure C-3 has been issued by the respondents to deceased Government employee, and a further notice has been issued on 19.6.1995, Annexure C-6, to the present petitioner stating that he is unauthorisedly retaining the quarter and that he is advised to

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vacate the premises failing which action under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 would be taken against him. Further, the notice has directed recovery of Rs.77,944.00 as penal rent/damages etc.

2. The respondents have filed a reply stating that due to inadvertance, the aforesaid notices were issued. Those notices have been cancelled pending adjudication of the O.A. They have also tendered an unconditional apology for the aforesaid action. They have also enclosed Annexure R-I letter by which the notices dated 23.3.1995 and 19.6.1995, that is, Annexures C-3 and C-6, regarding eviction proceedings stand cancelled till finalisation of the case.

3. Learned counsel for the petitioners submits that in pursuance of the aforesaid notices, certain amount, that is, Rs.1177/- per month has been recovered for two months. He requests that as the notices have been cancelled, the recovery so made should be refunded to the petitioner.

4. The learned counsel for the respondents submits that there was no restraint on the recovery of rent. Such a restraint was imposed separately in September, 1995 and no recovery is being made since then.

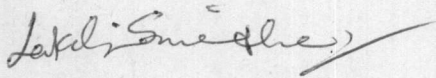
5. We have heard the parties. In so far as the main contempt is concerned, the respondents have purged themselves of contempt by cancelling the impugned notices. As the notices have been cancelled and as the recovery has been made only in pursuance of the notices ^{now cancelled} ~~it~~ it is only proper that the amounts recovered shall also be refunded to the petitioner

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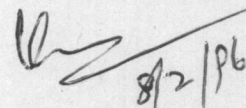
within one month. The recovery will ultimately be subject to the orders in the O.A.

6. In so far as the issue of the offending notices is concerned, it is only stated that these might have been issued due to inadvertance. We are not satisfied with this reasoning. The respondents are, therefore, directed to pay to the petitioner as costs Rs.500/- (Rupees five hundred only). It is open to the respondents to recover this amount from any person who was responsible for issuing the offending notices.

7. The contempt petition is disposed of accordingly.



(Smt. Lakshmi Swaminathan)
Member (J)


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(N. V. Krishnan)
Acting Chairman

/as/