

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

CCP ~~O.A.~~ No. 163/89 in 198
C.A. No. 511/89.

DATE OF DECISION 19.9.1989.

N.L. Sharma Applicant (s)

Shri B.B. Srivastava Advocate for the Applicant (s)

Versus

UOI & Ors. Respondent (s)

- Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Member (A)

The Hon'ble Mr. T.S. Oberoi, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? *3 No*
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT (oral)

(delivered by Hon'ble Mr. P.Srinivasan, Member).

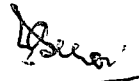
By this petition, the applicant in O.A. No. 511/89 complained that respondent No. 5 in that application, had ~~has~~ disobeyed an interim order dated 27.3.1989 passed by this Tribunal and ~~have~~ ^{he has}, therefore, committed contempt of this Tribunal. On 27.3.1989, a Bench of this Tribunal passed an order directing "that the applicant shall not be dispossessed from quarter No. B-2856 Netaji Nagar, New Delhi, already occupied by him, on payment of licence fee as payable under the Rules, till further orders".


2. However, the Assistant Director of Estates (respondent No. 5) issued an order to the applicant dated 6.9.1989 directing him to vacate the premises under his occupation "within 15 days (fifteen days) from the date of publication of this order or the stay dated 27.3.1989 is vacated by the Central Administrative Tribunal in OA No. 511/89 whichever is later." This was followed by the following sentence:

"...It is made clear that the opposite party shall not be dispossessed from quarter No. B-2856, Netaji Nagar, New Delhi, until further orders of the C.A.T. in continuation of the order dated 27.3.1989 in O.A. No. 511/89..."

3. As will be seen from the extracts of the order given above, the Assistant Director of Estates, has required the applicant to vacate the quarter within 15 days from the date of publication of his order or within 15 days from the date on which the stay granted by this Tribunal on 27.3-89 is vacated, whichever is later. Thus, the Assistant Director of Estates has taken care not to insist on the applicant vacating the said premises till the expiry of 15 days after the vacation of the stay by this Tribunal, which has not so far taken place. In the next sentence which we have quoted above, the Assistant Director has made it clear that the applicant shall not be dispossessed from the quarter until further orders of this Tribunal. In effect, therefore, the order of this Tribunal has not been disobeyed though we agree with Shri Srivastava that such an order need not have been passed at all by the Assistant Director. It is no doubt a clumsily worded order but it does not oblige the applicant to vacate the premises until this Tribunal passes any orders vacating the stay already granted.

4. In view of the above, we are satisfied that no prima facie case has been made out of wilful disobedience of the orders of this Tribunal by the respondents. We drop the proceedings of contempt at the admission stage itself without notice to the respondents.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)
19/9/89