

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 191/94 in
O.A. NO. 1410/91

New Delhi this the 9th day of June, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Maharaj Singh S/O Late Dhoom Singh,
R/O B-109, Kidwai Nagar,
New Delhi - 110023
and working as L.D.C.
in the Central Road Research Instt.,
P.O. CRRI, New Delhi-20. ... Petitioner

By Advocate Shri K. N. Bahuguna

Versus

1. The Directorate of Estates
through Shri Raj Singh Phogat,
Estates Officer, Directorate
of Estates, Nirman Bhawan,
New Delhi - 110011.
2. Council of Scientific &
Industrial Research,
Anusandhan Bhawan,
Rafi Marg, New Delhi-110001
through Shri Dilip Kumar,
Joint Secretary (Admn.)
3. The Director,
through Shri G. L. Talwar,
Administrative Officer,
Central Road Research Institute,
P.O. CRRI, New Delhi-20. ... Respondents

O R D E R (CRAL)

Shri Justice V. S. Malimath :-

The petitioner, Shri Maharaj Singh, has obtained an order in his favour in O.A. No. 1410/91 on 5.5.1992 in which it is said that the premises already in occupation of the petitioner should be regularised in his favour, if that is the accommodation of his entitlement. If that is not the accommodation of his entitlement, it is further directed, to allot him

17

accommodation to which he is eligible and until that eventuality takes place, not to evict the petitioner from the premises which is in his occupation.

2. The complaint in this case is that the respondents have issued order Annexure A-2 which has the effect of contumaciously violating the aforesaid order of the Tribunal. On a careful perusal of the same we find that it is not an order of eviction as such but a notice to show cause why the person to whom the notice is addressed should not be evicted on the ground that he is in unauthorised occupation. The notice is addressed to Shri Dhoom Singh and not to the petitioner. We were informed by the learned counsel that Shri Dhoom Singh who is the father of the petitioner has died long back in harness. A notice to a dead person would, therefore, be a nullity. It cannot also be enforced against the petitioner because it is not addressed to the petitioner. In these circumstances, we are not inclined to take the view that the issuance of Annexure A-2 calls for action under the Contempt of Courts Act. However, to avoid misapprehension in the minds of authorities, we would like to make it clear that on the strength of order Annexure A-2 the petitioner or the members of his family cannot be evicted from the occupation of the said quarters. The clear effect of the order of the Tribunal is not to evict the petitioner from the quarters in his occupation until that premises is regularised in his favour and if that is not possible, until another

accommodation to which he is eligible is allotted to him. The respondents are bound to act in accordance with these directions to ensure that the petitioner is not evicted on the strength of order Annexure A-2. The petitioner is at liberty to bring these observations to the notice of the concerned authority.

3. With these observations, this petition is disposed of.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman

/as/