

CCP 59 of 1993

O.A. 2970 of 1991

Date of Order: 29.7.93.

Sultan .S.....Petitioner.

Versus

General Manager, Northern Railway &  
others .....Respondents.

CORAM:

Hon'ble Mr. Justice V.S. Malimath, Chairman.

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

For the petitioner: Shri Umesh Mishra, counsel.

For the respondents: Shri K.K. Patel, counsel.

ORDER

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The complaint in this case is that the directions of the Tribunal in O.A.No.2970 of 1991 have been dis-obeyed. There are three directions issued to the respondents. They are:-

- i) The respondents shall pay all the dues to the applicant after adjusting according to the rules from the applicant.
- ii) The applicant shall on receipt of the due amount shall vacate the residential quarter simultaneously.
- iii) The respondents may consider, according to rules, the question of not charging rental/damage rent taking into account the fact that DCRG was withheld.

2. The complaint of the petitioner is that even before tendering the amount due to the petitioner, he was forcibly evicted by the respondents on 8.11.92. That some amount was due to the petitioner and has been paid subsequently i.e. on 27.11.92, is not disputed. It is, therefore, clear that the  
✓ eviction of the petitioner was not simultaneous.

Therefore, there is clear violation of the IInd direction.

3. The other complaint of the petitioner is that the respondents have not taken any decision as directed on the question of not charging rent or damage taking into account the fact that the DCRG was withheld. No decision taken in pursuance of this direction has been placed for our consideration. It is, therefore, clear that the IIIrd direction has also been disobeyed. It is in this background that we examined the complaint in this case.

4. If the respondents acted reasonably, they would have realised that they had put the petitioner to great difficulty by withholding the DCRG amount of Rs.48,593/- for three years. The respondents had the benefit of the money belonging to the petitioner for about three years. If the amount of DCRG was paid to the petitioner on his retirement as is expected, he would have used the said money. He could have easily earned interest at the rate of 12% per annum. Thus, the respondents have retained this money without paying any interest to the respondents. It is, therefore, just and proper that the petitioner should be compensated in this behalf, particularly when they have not taken any decision in regard to the question of not charging rental/damage rent taking into account the fact that DCRG was withheld. In the circumstances, we quantify the damages which the petitioner has suffered as Rs.18,000/-.

5. We consider it just and proper in the circumstances to dispose of this contempt of court proceedings with a direction to the respondents to pay a sum of Rs.18,000/- in full compliance of the judgment of the Tribunal and the directions issued.

✓ This shall be paid to the petitioner within a period of

three months from this date. If the amount of Rs.18,000/- is not paid to the petitioner within the said period, the petitioner shall be entitled to recover the said amount with interest @ 15% per annum from this date till the date of payment.

6. If the petitioner has any grievance in regard to the correctness of the amount deducted by way of electricity charges and excess payment of salary, nothing shall come in the way of agitating his rights in accordance with law.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

*V.S. Malimath*  
(V.S. MALIMATH)  
CHAIRMAN.

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