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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 311/94 in
O.A. NO. 412/92

New Delhi this the 21st day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

- 1) Shri Ram Avtar Gupta
S/O Shri Shanti Prakash Gupta,
R/O G-617, Sarojini Nagar,
New Delhi.
Working as Senior Auditor
in the office of Controller &
Auditor General of India,
Bahadur Shah Zafar Marg,
New Delhi - 110001.
- 2) Shri Shanti Prakash Gupta,
S/O Late Shri Bhajan Lal Gupta,
R/O G-617, Sarojini Nagar,
New Delhi.

... Applicants

Versus

- 1) Shri Harcharanjeet Singh,
Director, Directorate
of Estates, Govt. of India,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
- 2) Shri P. K. Roy,
Manager, Govt. of India Press,
Minto Road,
New Delhi.

... Respondents

Applicants through Shri B. T. Kaul, Advocate

Respondents through Shri E. X. Joseph, Senior
Counsel with Shri V. S. R. Krishna, Advocate

ORDER (ORAL)

Shri Justice S. C. Mathur —

On behalf of the respondents it is pointed out
that the judgment of the Tribunal has been complied
with inasmuch as accommodation has been allotted to
the applicant. The applicant does not dispute the
fact that accommodation has been allotted.

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2. The learned counsel for the applicant, however, submits that in the present contempt proceedings, the respondents have not acted properly and in accordance with law. He points out that the reply has been filed by a person who is not arrayed as respondent in the contempt application. In our opinion, the objection of the learned counsel is misconceived as in the present case, no charge has been framed against the two respondents who have been impleaded in the application and only notice has been issued requiring the respondents to report compliance. It has been held by a Full Bench of the Tribunal in R. A. No. 152/90 - D. P. Bhadola vs. Arvind Dave & Ors., that affidavit is required to be filed by the respondent only after charge has been framed and at the stage of reporting compliance, affidavit by such respondent is not required.

3. The learned counsel next points out that instead of filing affidavit, only a reply has been filed. This is immaterial as it is not disputed that compliance has been made.

4. The third infirmity pointed out by the learned counsel for the applicant is that in paragraph 8 of the reply, the date of the allotment order is mentioned as 10.6.1994 when in fact it is dated 17.6.1994, as is apparent from the allotment order, a copy of which has been annexed to the reply. The learned counsel for the respondents states that it is only a typographical error. He has tendered apology for the mistake. No further observations are required.

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5. The learned counsel also stated that the order dated 17.6.1994 was not served upon the applicant. This plea also does not require comments because now it is acceded to by the learned counsel that the judgment has been complied with.

6. In view of the above, the papers are consigned to record.

P. T. Thiru
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(P. T. Thiruvengadam)
Member (A)

S. C. Mathur
Chairman

/as/