

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(b)

C.P. NO. 324/94
M.A. NO. 3573, 3574/94
IN
O.A. NO. 1931/92

New Delhi this the 24th day of October, 1994

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

Smt. Bimla Devi W/O Shri Kanti Prasad
R/O H-21, Delhi Milk Scheme Colony,
West Patel Nagar, New Delhi. ... Applicant

By Advocate Shri K. A. Dewan

Versus

1. Union of India through
Shri R. R. Mittal,
Administrative Officer (General),
Delhi Milk Scheme,
West Patel Nagar,
New Delhi - 110008.
2. Shri Babbar Singh,
Section Officer (General),
Delhi Milk Scheme,
West Patel Nagar,
New Delhi - 110008.
3. Shri Sati Ram,
Security Officer,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.
4. Shri Jagdish Chander,
Assistant Security Officer,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi - 110008. ... Respondents

O R D E R (ORAL)

Shri Justice S. C. Mathur, Chairman —

The applicant alleges disobedience by the respondents of this Tribunal's judgment and order dated 27.7.1992 passed in O.A. No. 1931/92.

2. The original application was filed in this Tribunal on 24.7.1992 and it came up for hearing as regards admission before a learned single Member on 27.7.1992. On the same date, the learned single

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Member without issuing notice to the respondents disposed of the application issuing the following directions :-

".....to dispose of the representation of the applicant of April, 1992 regarding her compassionate appointment and in case such a representation is not available with them, the applicant is at liberty to file a fresh representation within two weeks from the date of receipt of this order. The respondents are directed to decide that representation within a period of six weeks. Till that time, dispossession of the applicant from the said quarter H-21, DMS Colony, West Patel Nagar, shall not be effected..... Issue dasti."

3. The applicant asserts that in view of this order, first, the representation was to be disposed of and only thereafter steps for her eviction were to be taken if the representation was rejected. According to the applicant, she has been dispossessed without disposal of her representation.

4. There is no averment in the application that the ex parte judgment of the Tribunal was served upon the respondents. The learned counsel has drawn our attention to paragraph 4 of the contempt application for submitting that the order had been communicated. We have gone through the said paragraph and we do not find any assertion to the effect that the order was served upon the respondents. The judgment of the Tribunal provided that the judgment may be served "dasti." It was, therefore, the responsibility of the applicant to communicate the order to the respondents. The applicant has not discharged this responsibility.

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5. In view of the above, the respondents cannot be convicted for committing contempt if they have dispossessed the applicant. The application is accordingly rejected.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/