

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
CP 340-1994 In O 639/1992

New Delhi, this 2nd May, 1995

Hon'ble Shri Justice S.C. Mathur, Chairman
hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Madan Lal Bhasin
s/o Shri Lal Chand Bhasin
Rly. Qr.No.57-A/7, Chhoti Mor Sarai, Delhi.. Applicant

(Shri O.P. Gupta, Advocate)

versus

1. Shri L.K. Singha
General Manager, Northern Railway
Baroda House, New Delhi
2. Shri Ashok Kumar Aggarwal
Sr. Divl. Mechanical Engineer, Diesel
Tughlagabad, New Delhi
3. Shri Piush Aggarwal
Divl. Supdt. Engineer (Estate
Northern Railway, DRM office, New Delhi.. Respondents

(Shri Shri R.L. Dhawan, Advocate)

ORDER

Hon'ble Shri P.T.Thiruvengadam

The applicant retired on superannuation on 31.10.91 from Railway service. He continued to retain the railway accommodation even after retirement. Payment of DCRG was withheld by the Respondents on the ground that the applicant had even originally occupied the accommodation unauthorisedly. The applicant filed OA 639/92 in this Bench of the Tribunal praying for the release of DCRG. This OA was disposed of on 11.8.92 with the following directions:

"Para 5

(a) The respondents shall pay the DCRG to the applicant less the rent which was being deducted from his last salary upto the date of vacation of the quarter by the applicant alongwith interest @ 10% p.a.;

(b) The respondents shall be free to claim damages at the market rate or as per the extant rules in the competent forum against the applicant and the applicant shall be bounded to pay the same;

(c) The amount of DCRG should be paid to the applicant and the applicant shall vacate the quarter the very moment the amount is paid to him.; and

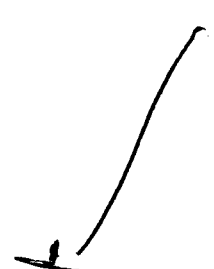
(d) The respondents shall comply with the above directions within a period of three months from the date of communication of this judgement.

2. It is submitted that to this day the applicant has not vacated the accommodation. This contempt petition has been filed alleging disobedience of the orders passed by this Tribunal on 11.8.92 particularly direction at para 5(d) of the orders.

3. The learned counsel for the contempt petitioner argued that the respondents had to offer the DCRG less the rent leviable as per direction in para 5(a) of the orders, alongwith interest at 10% p.a. and this had to be done within 3 months from the date of communication of the order dated 11.8.1992.

4. The stand of respondents is that the applicant was being charged a penal rent of Rs.448/- p.m. even prior to his retirement since he had occupied the accommodation unauthorisedly while in service continuing with the same rate of recovery of Rs.448/- p.m. beyond 31.10.91 when the applicant retired would thus be legal and would be in conformity with the orders of the Tribunal to recover from DCRG rent at the same rate of recovery from his last salary.

5. To comply with the further directions of the Tribunal, the respondents had to know the exact date by which the applicant would be vacating the accommodation



-3-

so that the actual difference to be paid could be calculated and offered to him. Thus, a letter was written on 18.9.92(ie.) within 3 months of the orders of this Tribunal asking the applicant to vacate the premises. At this stage, the learned counsel for the applicant referred to the said letter at Annexure CR-I (page 34 of the paper book) and argued that this letter does not bring out clearly the full intention of the respondent but only asked the applicant to vacate the accommodation. On a perusal, we note that this letter of 18.9.92 is not happily worded but in the circumstances, the applicant should have proved his bonafides by indicating his willingness to vacate. On the other hand, he has chosen to file a contempt petition only in November, 1994 when the respondents initiated eviction which proceedings have since been withdrawn by them in February, 1995.

6. The respondents have further brought out in their reply that even as on 31.1.95, the following amounts are recoverable from the applicant:

- (i) Rent from 1.11.91 to 31.1.95 @ Rs.448/- PM which monthly penal rent was recovered from his last salary: Rs.17,472/-
- (ii) Electric charges(Electric bill is filed & marked as Annexure CR-2): Rs.29,676/-
- (iii) Balance of rent intimated by his Sr. Subordinate GFO/DSL Tughlakabad vide his letter dated 28.8.93 (Photocopy is filed and marked as Annexure CR-3): Rs.2585/-

Total: Rs.49,733/-

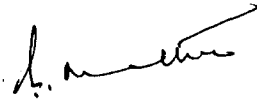


7. The learned counsel for the respondents argued that this recovery is further mounting month by month and the amount is much more than the DCRG amount of Rs.28,380/-. Hence, considerable amount has to be paid by the petitioner instead of his being eligible for any amount from the respondents.

8. After noting the facts of the case, we find there is no wilful or intentional disobedience on the part of the respondents in implementing the orders of this Tribunal. The contempt petition is accordingly dismissed. Notice issued is discharged. There will be no order as to costs.



(P.T. Thiruvengadam)
Member(A)



(S.C. Mathur)
Chairman

/tv9/