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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

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RA No.417/94 IN CCP 324/94 IN OA 1931/92

New Delhi, this 17th day of January, 1995

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

Smt Bimla Devi
w/o Shri Kanti Prasad
H-21, DMS Colony, West Patel Nagar
New Delhi-110 008 .. Applicant

By Shri K.A. Dhawan, Advocate

Versus

1. Union of India, through
Shri R.K. Mittal
Administrative Officer(General)
Delhi Milk Schemne, New Delhi-8
2. Shri Babbar Singh
Section Officer (General)
Delhi Milk Scheme, New Delhi
3. Shri Sati Ram
Security Officer
Delhi Milk Scheme, New Delhi
4. Shri Jagdish Chander
Assistant Security Officer
Delhi Milk Scheme, New Delhi .. Respondents

ORDER(by circulation)

This review petition has been filed for reviewing the order passed in CCP 324/94 in OA 1921/92, passed on 24.10.94.

2. While disposing of the contempt petition, we had mentioned as under:

"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 was to be taken if the representation was rejected. According to the applicant, she has been dispossessed with disposal of her representation.

"4. There is no averment in the application that the ex-parte judgement of the Tribunal was served upon the

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respondents. The learned counsel for the applicant 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 judgement of the Tribunal provided that the judgement 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."

3. This review petition has been filed on the ground that the copy of the order dated 27.7.92 in OA 1931/92 has been served on the respondents. Reference to page 12 of the contempt petition has been made in para 2 of this review petition. It has been pleaded that this fact has not been taken into ^{accpunt.} On a perusal of para 12 of the contempt petition, we do not find any proof of service on the respondents. There is no other document attached to this review petition to bring out that the order dated 27.7.92 passed in OA 1931/92 had been duly served on the respondents. In any case, such proof of service should have been produced at the time of filing of the contempt petition.

4. In para 3 of the review petition, reference has been made to memorandum dated 26.7.93 issued by the respondents while disposing of the representation of the applicant. A copy of this memorandum has now been attached as Annexure A to this review petition. At the time of filing the contempt petition, the main ground advanced was that eviction from the premises had taken place on

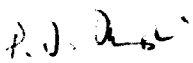
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4.10.94 (para 4 of the contempt petition) by which time the representation of the applicant had not been disposed of. It was pleaded that dispossession without disposing of the representation was a case of contempt against the order passed on 27.7.92. We now find that the applicant had been given a reply to her representation much before the eviction and this important aspect had not been reflected in the contempt petition by suppressing the memorandum dated 26.7.93.

5. In the circumstances, the review petition has to be dismissed as totally misconceived.

6. This is a case which deserves award of costs, but since the review application is being disposed of by circulation, we are not awarding any costs.

7. The RA is therefore dismissed. No costs.


(P.T. Thiruvengadam)
Member(A)


(S.C. Mathur)
Chairman

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