

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.**

CIVIL CONTEMPT PETITION NO. 04 OF 2005

IN

ORIGINAL APPLICATION NO 1163 OF 2004

THIS THE 28th DAY OF FEBRUARY, 2006.

HON'BLE MR. K.B.S. RAJAN, MEMBER-J
HON'BLE MR. A.K. SINGH, MEMBER-A

Smt. Vineshwari Devi ... Applicant

By Advocate : Sri A.K. Srivastava

Versus.

Col. Y.M. Agarwal & Another ... Respondents

By Advocate : Sri S. Singh.

O R D E R

BY K.B.S. RAJAN, MEMBER-J

The following is the directions of this Court
vide order dated 4.10.2004;

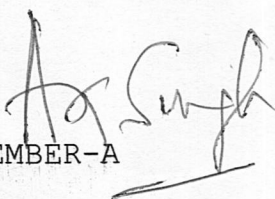
*"In the meanwhile, status quo as on date,
shall be maintained and no damage rent
shall be recovered from the applicant in
pursuance of the said order."*

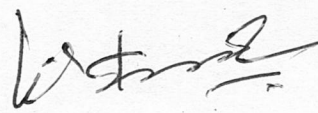
2. The complaint of the applicant is that despite the said order having been served upon the respondents on 8.10.2004, the respondents have deducted from the salary of the applicant for November, 2004 a sum of Rs. 6810/- which resulted in Rs. Zero carry home pay. On notice being issued, the respondents have submitted that the above deductions relate to damage rent upto 31.7.2004 and

no damage rent was charged, in accordance with the order dated 4.10.2004 from the date of the order.

3. The respondents have misconstrued the intent and spirit of the order. The mandate was status quo as on date shall be maintained and no damage rent shall be recovered. While status quo has been maintained in not charging the damage rent from the date of the order, the other command that no damage rent shall be recovered has not been followed. In other words, the respondents should not have recovered Rs. 6810/- from the pay of the applicant, from the salary paid for the month of November, 2004. In order to set the same right, with a view to complying fully with the order dated 4.10.2004, the respondents are directed to refund a sum of Rs. 6810/- to the applicant within 45 days from the date of receipt of certified copy of this order. We are not proceeding ahead with the contempt as disobedience is not deliberate.

4. List for compliance report of refund of Rs. 6810/- on 4.5.2006.


MEMBER-A


MEMBER-J

GIRISH/-