

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad, this the 23rd day of September, 2021

Civil Misc. Contempt Petition No.330/00025/2021
in
Original Application No. 330/00157/2021

Hon'ble Mr. Tarun Shridhar, Member (Administrative)
Hon'ble Ms. Pratima K Gupta, Member (Judicial)

Ram Chandra Yadav, S/o Late Nageswara Yadav, R/o-H, 2, C.T.X. Compound Ashoka Road, New Cant, Allahabad.

. . .Petitioner

By Advocate : Shri Trivikram Singh

V E R S U S

1. Rana Ashok Kumar Singh, Chief General Manager, Eastern Region, BSNL, Lucknow U.P.
2. Anand Mishra, General Manager Telecom, BSNL, District – Allahabad, 211001.
3. Ajay Keshari State Officer/Deputy General Manager (Planning), BSNL Office, General Manager Telecom, Allahabad.

. . .Respondents

By Advocate : Shri D.S. Shukla

O R D E R

By Hon'ble Mr. Tarun Shridhar, Member (Administrative) :

Shri Trivikram Singh, learned counsel for the petitioner and Shri D.S. Shukla, learned counsel for the respondents are present.

2. This contempt petition has been filed for non compliance of the order dated 15.02.2021 passed in OA No.157 of 2021. The operative portion of the order, which reads as under :-

"7. It is our considered view that issue of jurisdiction is relevant in this case because the occupation of government quarter of the applicant subsequent to his retirement is not in his capacity as a retired government employee but as a beneficiary of a specific scheme. Moreover, Rules governing allotment and occupation of government quarter stipulate an occupation of maximum 8 months from the date of retirement that the period is since long over. Any occupation beyond that period ceases to be a service matter and would be beyond the jurisdiction of this Tribunal. The proper remedy for the applicant would have been to take recourse to the Public Premises (Eviction of Unauthorized Occupant) Act 1971 to challenge his eviction. However, without dwelling on the jurisdiction issue any further we find that since the applicant has been occupying government quarter initially as an employee and later as retired employee, he is entitled for the same in the light of his own department's scheme called CROP. We dispose of this O.A. at this initial stage by giving a direction to the respondents to take a fair and objective decision on the request of the applicant to allow him the government quarter under the said scheme of the department. Needless to say such a consideration by the department would squarely depend upon the applicant making payment of all the dues. A period of 15 days is reasonable for the applicant to make such payment and it is expected that respondents will not take recourse to any coercive steps to evict the applicant during this period.

8. We have not commented on the merits of this case nor upon the rights and entitlement of the applicant. We reiterate that our direction is limited to the extent that the respondents should take a fair, judicious and unbiased view in the matter."

3. The respondents have filed an affidavit of compliance wherein there is representation of the applicant and on the face of it, this representation is not in accordance with the direction given in the aforesaid OA. However, the documents on record shows that the representation of the applicant has been considered in accordance with the direction issued by this Tribunal and hence, we are satisfied that the direction/order have been fully complied with.

4. In view of the above, nothing remains in the contempt petition. Accordingly, the contempt proceedings are closed. Notices are discharged.

5. All the MAs pending in this contempt petition are disposed of as having become infructuous.

(Pratima K Gupta)
Member(Judicial)

(Tarun Shridhar)
Member(Administrative)

RKM/