

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NO.125 OF 2002

IN

ORIGINAL APPLICATION NO.1558 OF 1999
Allahabad this the 3rd day of July, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J
HON'BLE MR. D. R. TIWARI, MEMBER-A

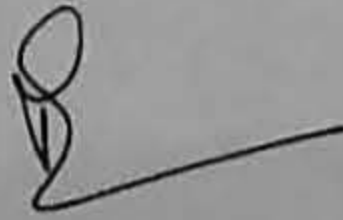
Ram Chandra,
son of Late Gopi,
working as Fitter Grade - II,
under Senior Section Engineer (RSO),
Northern Railway, Tundla.Applicant

(By Advocate Shri C.P. Gupta & Shri S. Ram)

Versus

1. Shri V.P. Singh,
Senior Divisional Electrical Engineer (RSO),
Northern Railway, D.R.M.'s Office,
Allahabad.
2. Shri Pooran Chand,
Divisional Electrical Engineer (RSO),
Northern Railway, Tundla.
3. Shri N. Singh,
Senior Grew Controller (RSO),
Northern Railway,
Tundla.Respondents


(By Advocate Shri A.K. Gaur)



O R D E R

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

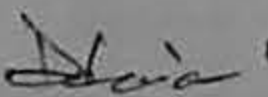
This contempt petition was filed by the applicant for non-compliance of the order passed by this Tribunal on 06.02.2001 in O.A. No.1558/99. In the said judgment this Tribunal had directed respondent no.4, Senior Crew Controller (R.S.O.), Northern Railway, Tundla to regularise the allotment of the accommodation in Block No.113 Type-I, Railway Colony, Tundla w.e.f. 18.08.1997 and it was left open to the respondent no.4 to regularise the period of unauthorised occupation w.e.f. 14.2.1995 as per rules within a period of three months from the date of communication of this order. Respondents in their counter affidavit have submitted that they have started deducting normal rent from the applicant and as regards the excess deduction of damage rent for a period from November,1997 to May,2001, the respondents have prepared a bill for a sum of Rs13,920/- which has already been paid to the applicant which is evident from Annexure CA-1. They have also apologised for the delay but from the reply filed by the respondents it is not clear as to ^{how} ~~why~~ they have treated the quarter unauthorised with effect from 14.09.1995 to 14.08.1997 as neither there is any specific averment to that effect, nor ~~any~~ such order has been filed with the counter affidavit.




2. Learned counsel for the applicant has submitted that since the amount paid to him is only for the period from November 1997 to May, 2001 and even that is not calculated properly, therefore, respondents may be directed to give the break up of amount and also to issue a proper order with regard to the period from 14.9.1995 to 14.08.1997 so that the amount calculated as damage rent for the said period may also be returned to the applicant.

3. We feel that the request made by the applicant's counsel is justified as he has a right to know as to how they have calculated the amount of Rs13,920/- and how they have treated the period from 14.9.1995 to 14.08.1997. Accordingly respondents are directed to pass a formal order with regard to the period from 14.9.1995 to 14.08.1997 and in case it is regularised they must calculate the amount which has been recovered from applicant in excess by way of recovering the damage rent and if any amount is payable to the applicant after such calculation the same should be paid to him within a period of four weeks from the date of communication of this order or else they should pass a reasoned and speaking order under intimation to the applicant. They should also give break up with regard to the amount of Rs13,920/- to the applicant within the same period.

4. With the above directions this contempt petition is dropped. Notices issued to the respondents are discharged.


Member-A


Member-J