

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

~~XXXXXXWWBXXXXXX~~

(2)

O.A. No. 252 of 1989
~~TAX NO.~~DATE OF DECISION 4.10.1989

Bhruguray R. Bhatt

Petitioner

Shri B.P. Tanna

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri J.D. Ajmera

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G.S. Sharma Judicial Member

The Hon'ble Mr. R.M. Singh Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Bhruguray R. Bhatt,
7, Bhargav Society,
Gotri Road, Vadodara.

.. Applicant

(Advocate-Mr. B.P. Tanna)

Versus

1. Union of India, Through
Secretary,
Department of Posts,
Dak Bhavan, Parliament Street,
New Delhi.

2. The Post Master General,
Ashram Road, Navrangpura,
Ahmedabad.

3. Sr. Supdt. of R.M.S.
R.M.S. Bhavan,
Pratap Ganj,
Vadodara.

.. Respondents.

(Advocate-Mr. J.D. Ajmera)

CORAM : Hon'ble Mr. G.S. Sharma .. Judicial Member

Hon'ble Mr. M.M. Singh .. Administrative Member

O R A L - O R D E R

O.A. No. 252 of 89

4.10.1989

Per : Hon'ble Mr. G.S. Sharma .. Judicial Member

This original application under section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant almost for the proper implementation of the decision dt. 28.1.1988 of this Tribunal in T.A./310/86 between the parties and it is submitted that in the last para of its judgment the Tribunal had directed that the respondent could recover rent and penal rent from the applicant upto a sum of Rs. 2,649.45ps. after giving him a notice. The grievance of the applicant is that this procedure was not followed and the respondents arbitrarily arrived at their own decision and passed a final ^{house} order to recover Rs. 93.16 as penal/rent and another sum of Rs. 1,710.60 penal rent from him. On the other hand, the respondents submits that this

amount was duly arrived at after discussion with the applicant and it was not necessary to give him any further opportunity of hearing.

2. After careful examination of the matter, we are of the view that the respondents have not taken any proper ^{steps &} prospects and they have failed to comply with the final order dt. 28.1.1988 and the impugned order does not speak that the amount sought to be recovered from the applicant was arrived at after giving him an opportunity of showing cause of hearing. As a matter of fact, such a petition is not maintainable and the applicant should have approached the Tribunal by way of contempt within the period of limitation. However, this Tribunal can pass suitable orders especially when the orders are not being properly complied with by any department of the Government.

We accordingly, direct the respondents to re-examine the whole issue in light of para 6 of the judgment dt. 28.1.1988 in T.A./310/86 between the parties and, after giving an opportunity to the applicant, pass a fresh speaking order in accordance with the directions contained therein within a period of three months from the date of communication of this order. This petition accordingly disposed of at the admission stage.

M. M. Singh
(M M Singh)
Administrative Member

Subarshmi
(G S Sharma)
Judicial Member