

In the Central Administrative Tribunal  
Calcutta Bench

CP(c) No.4/98  
OA No.929/97

11-4-2002

Present : Hon'ble Mr.S.Biswas, Member(A)  
Hon'ble Mr.M.L.Chauhan, Member(J)

Jagabandhu Ghosh and another

-VS-

S. Ramanathan & Ors (E.Rly)

For the applicant : None  
For the respondent : None

ORDER

Mr.M.L.Chauhan, Member(J) :

The petitioner has filed this application against the violation of the interim order and direction passed by the Tribunal dated 12-8-97 which reads as under :

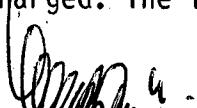
"We direct as interim measure till the date fixed that the petitioner No.2 may continue to stay with the petitioner No.1 so long as the petitioner No.1 is entitled to remain in the quarter in question despite office order as Annexure-C at Page No.17 of this application".

2. It has been alleged in the Contempt Petition that despite receipt of the aforesaid order, the respondent authority deliberately and willfully did not comply the order of the Tribunal, thus action under the Contempt of Court Act 1971 read with Central Administrative Tribunal Contempt of Court Rules 1985 be taken against the respondent.

3. The respondent authorities have filed reply affidavit, whereby it has been stated that the Applicant No.2, Jayanta Ghosh, is the son of Applicant No.1, Jagabandhu Ghosh who has since been retired from service on attaining the age of superannuation with effect from 30-9-97. At the time of his retirement, the applicant

No.1, Jagabandhu Ghosh was working as Travelling Ticket Examiner. In para 9 of the Reply Affidavit it has also been stated that the Applicant No.1, who has retired on 30-9-97 is not entitled to occupy the Railway Quarter which was allotted to him. Inspite of the fact the applicants No.1 and 2 are still enjoying the railway quarter and in order to mislead the Tribunal, the present contempt petition has been filed alleging a number of false allegations.

4. In view of the stand taken by the respondent authorities and also in view of the fact that the interim order was a conditional order whereby the stay was granted to the applicant No.2 to stay with the petitioner No.1 so long as the petitioner No.1 is entitled to remain in the quarter in question despite office order as Annexure-C at Page No.17 of the application <sup>no</sup> ~~also~~ case for contempt proceeding is made out. Since according to the respondent authorities, respondent No.1 was not entitled to claim the quarter as with effect from 30-9-97 on attaining the age of superannuation and also that the Applicant Nos 1 & 2 were still enjoying Rly Quarter as is evident from the reply affidavit filed on 6-12-99, We see no ground to proceed with the matter. As such, the Contempt Proceedings are dropped and Notice issued to the respondents are discharged. The interim order if any shall also stand vacated.

  
(M.L. Chauhan)  
Member(J)

  
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(S. Biswas)  
Member(A)