

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 35/97 in
Original Application No. 842/96.

Monday the 31st day of August 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri B.S. Baweja, Member (A)

S.S.Roy ... Applicant.

By Advocate Shri M.S. Ramamurthy.

V/s.

Union of India and others. ... Respondents.

By Advocate Shri Vadhavkar for M.I. Sethna

Shri V.S. Masurkar

O R D E R (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

The applicant has filed C.P. 35/97 alleging that the respondents have violated the interim relief passed by this Tribunal dated 26.8.96. The respondents have filed reply to the C.P. We have heard counsel for both sides.

2. The original application was filed challenging the illegal demands for penal rent. This Tribunal has passed an interim relief on 26.8.96 directing the respondents not to make any recovery till the next date of hearing. The said order was continued till today. Inspite of the interim relief passed by this Tribunal the respondents have made two deductions of Rs. 3914/- on 25.2.97 and 2.4.97. Therefore the contention of the applicant is that the respondents have dis-obeyed and committed contempt of interim ^{order} relief passed by this Tribunal.

3. After hearing both the sides we are satisfied that there is some in-action on the part of the respondents in not complying with the order dated 28.6.98. It is very difficult to say that whether the respondents have deliberately dis-obeyed the order or not. Since the O.A. has been disposed of, we are not taking serious view in the matter. However we notice that out of two payments only one payment has been received by the applicant.

4. We are also not happy with the view taken by the respondents that the interim relief will be merged with the final order. As long as interim relief is continuing, the respondents are bound to obey the order. Subsequent merger in the final order will not make any difference even the original application is dismissed on merits.

5. For the above reasons the C.P. is disposed of with a direction to the respondents namely the Income Tax Department to refund Rs. 3914/- to the applicant within a period of two months from the date of receipt of this order. However Income Tax Department is directed to pay cost of Rs. 250/- to the applicant as cost of C.P.

D.S. Bawali
(D.S. Bawali)
Member (A)

R. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

NS

01-31-98
order/Judgement despatched
to Applicant/Respondent (s)
on 22-9-1998

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