

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

19

C.P.No. 136/94 of 1319/92

Dr. D.M. Kamble

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon. Shri B.S. Hegde, Member (J)

Hon. Shri P.P. Srivastava, Member (A)

Appearance:

Mr. B. Dattamurthi

Counsel for the applicant

Mr. J.G. Sawant

Counsel for the respondents

ORDER:

DATED: 24.3.95

(Per: B.S. Hegde, Member (J))

The applicant has filed a contempt petition no. 136/94 praying that the contemner be tried under the Contempt of Court Rules, 1986 for having committed contempt of this Hon. Tribunal wilfully and deliberately by flouting with malafide intention judgment/order dated 28.2.94 by ratifying the earlier status of self occupation and getting the said quarter allotted in his own favour by an irregularly constituted quarter allotment committee meeting. Against this the respondents have filed a reply to the Contempt Petition dated 21.2.95 refuting the contention of the applicant. The Tribunal vide its order dated 24.2.95 held that the allotment of the quarter was vitiated because the Director, Advanced Training Institute sat in the meeting as the Chairman when the allotment of the quarter was to be made and allotted the quarter to himself and had directed the respondents to reconstitute the Committee by excluding the person who has interest in having the quarter allotted to himself and allot the quarter in terms of the observations made in the judgment delivered

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in OA NO.1319/92 on 28.2.94 and that the fresh allotment shall be made within three weeks from to day in conformity with the observations made in the judgment dated 28.2.94. The Tribunal however stated that Prabodh Chandra shall not be allowed to continue to occupy the quarters persuant to the earlier allotment for more than three weeks from to day i.e., 24.2.95 and that period will expire on 17.3.95.

2. On behalf of the respondents the ld. counsel Shri J.G.Sawant submitted that there was no intentional disobedience on the part of the respondents to disregard the orders of the Tribunal and he stated that it was a mistake on the part of the respondent no.1, who happens to be the head of department and sat as a Chairman of the House Allotment Committee which was rectified subsequently persuant to the Tribunals order. The Quarter Allotment Committee was reconstituted vide order dated 8.3.95 under the Chairmanship of Shri K.Krishnamoorthy, Deputy Secretary, DGE&T, Min. of Labour, New Delhi. The reconstituted committee considered the matter afresh on 14.3.95 keeping in view the direction of the Tribunal, minutes of the meeting annexed as Ex.CPR.VII. Accordingly, Type V quarter according to priority date i.e., the date from which they started drawing basic pay of Rs.3600. Accordingly, applications of 10 staff members which were submitted to the Quarter Allotment Committee on 19.5.94 were reconsidered by the review Quarter Allotment Committee in its meeting on 14.3.95 under the Chairmanship of Mr. K.Krishnamoorthy along with others and keeping in view all the directions of the Tribunal vide its order dated 28.2.94 and the orders on C.P. dated 24.2.95.

3. In the circumstances, we are of the view, that there is no wilful disobedience on the part of the respondents in carrying out the directions of the Tribunal and also the direction to reconstitute the Committee for allotment of quarter. The C.P. filed by the applicant does not survive and the same is discharged.


(P.P.Srivastava)
Member(A)


(B.S.Hegde)
Member(J)