

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

C.P.No. 33/93

in

OA.NO. 803/92

Shri Rajiv Pilo
Commander, Chief Administrator,
Naval Area, Colaba, Navy Nagar,
Bombay

... Petitioner

V/S.

Shri D.Golkwal Chand,
Mazdoor C/O. Garrison Engineer,
(Naval Works) Colaba, Bombay.

... Contemner

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Ms.Kerban Anklesaria
Advocate
for the Contemner

Shri R.K.Shetty
Advocate
for the petitioner

Tribunal's Order

Dated: 14.7.1993

(PER: M.Y.Priolkar, Member (A))

Ms.Kerban Anklesaria, Advocate for the original applicant. Mr.R.K.Shetty is present on behalf of the respondents in the original application who have now filed this contempt petition for failure of the original applicant to vacate the quarter in question by the due date, namely, 19.2.93 which was stipulated in the judgement dated 19.1.1993 on the basis of the undertaking to that effect given by the applicant and his advocate to the Tribunal.


2. Ms.Anklesaria states that a review petition had since been filed on 28.3.1993 (R.P.No. 28/93) which is still to be decided by the Tribunal. She also states that the alleged contemner being an illiterate person serving as a Mazdoor was not aware of the undertaking given by him and that the earlier Advocate ^{who} represented him also failed to bring to the notice of the Tribunal on the date of hearing an important document, namely,

allotment letter dated 9.6.1983 in favour of the applicant's father in which clause 6 provided that :

"This allotment is on Temporary basis. You will be required to vacate this quarter as an when allotment in MES key personnel quarter/or an alternate quarter is allotted to you."

3. After hearing both the counsel, I do not find that any adequate justification is advanced for going back on the undertaking given by the applicant earlier to the Tribunal. The judgement was delivered on 19.1.1993. The sanctity of a solemn undertaking given to the Tribunal has to be maintained and the mere fact that a review petition has been filed, and that too long after the date of the vacation prescribed in the judgement, could not justify any leniency to be shown to the contemner. Any way in view of the learned counsel's statement that the applicant was illiterate, did not follow the proceedings of the court and the undertaking which he himself had given and that his earlier advocate also did not keep him fully aware of the proceedings, as a last chance I allow 15 days time to the applicant, i.e. till 29.7.1993 to vacate the quarter and hand over the possession of the quarter to the original respondents. The applicant shall be liable to pay usual rent till 29.7.1993. It is also made clear that if the applicant does not hand over the possession of the accommodation to the respondents even on that date, he will be subjected to payment of damage rent right from 19.2.1993 and he will also render himself liable to contempt proceedings.

4. With these directions Contempt Petition No. 33/93 is disposed of.


(M.Y. PRIOLKAR)
MEMBER (A)

mrj.