

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 08.12.2014


CP No. 291/00005/2014 (OA No. 252/2012)

Mr. Anupam Agarwal, counsel for petitioner.
Mr. Amit Mathur, proxy counsel for
Mr. Kapil Mathur, counsel for respondents.

Arguments heard.

Order reserved.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(B. V. RAO)
JUDICIAL MEMBER

Kumawat

10/12/14.

order

pronounced

today in

the open

court by

the

apresaid

Bench

10/12/14.

C.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

CONTEMPT PETITION NO. 291/00005/2014

IN

ORIGINAL APPLICATION No. 252/2012

ORDER RESERVED ON 08.12.2014

DATE OF ORDER : 10.12.2014

CORAM :

HON'BLE MR. B.V. RAO, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Gulab Chand Gwala son of Shri Chiranjee Lal Gwala, aged about 32 years, resident of Behind Sadar Tahana, Ghosi Mohalla, Beawar. Presently working as Driver, Regional Institute of Education, Ajmer.

... Applicant

(By Advocate: Mr. Anupam Agarwal)

Versus

1. Shri B.K. Tripathi, Secretary, National Council for Research and Training, Shri Aurobindo Marg, New Delhi-16.
2. Shri V.K. Kankdia, Principal, Regional Institute of Education, Captain D.B. Choudhary Marg, Pushkar Road, Ajmer.
3. Shri Hari Ram, Administrative Officer, Regional Institute of Education, Captain D.B. Choudhary Marg, Pushkar Road, Ajmer.

... Respondents

(By Advocate: Mr. Amit Mathur proxy to Mr. Kapil Mathur)

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The petitioner has filed this Contempt Petition on the ground that the respondents have not complied with the order dated 03.09.2013 passed in OA No. 252/2012. The operative part of the order is in Para No. 22, which is quoted below:-

"22. In the instant case, the respondents have submitted that the applicant is entitled for type-II

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quarter. At present, three type-II quarters are vacant; therefore, the applicant can be allotted type-II quarter on his request. In these circumstances, the applicant should be offered an accommodation on the campus according to his entitlement and if he refuses to accept the same, then his HRA can be stopped according to the provisions of law. But it is made clear again that this exercise will have to be done by the respondents in respect of all the Drivers of the Institute and they cannot follow the policy of pick and choose."

2. The learned counsel for the applicant submitted that the respondents have not paid the HRA as per the applicant's entitlement. The respondents have paid the HRA @ 10% only whereas the applicant is staying in Ajmer and he is entitled for higher HRA. That the action of the respondents in not releasing HRA to the applicant while insisting for stay in the campus without seeking the clarification, as directed by the Hon'ble CAT is nothing but willful disobedience of the orders of the Tribunal, which amounts to contempt.

3. On the other hand, the respondents have filed their reply. In their reply, they have stated that as per the policy dated 31.12.2012, the driver attached to the Principal is required to stay compulsorily on the campus. The learned counsel for the respondents submitted that this policy guideline was not in the knowledge of the respondents during the pendency of the OA No. 252/2012. That the applicant vide order dated 29.10.2014 has been attached with the Principal. Therefore, as per the policy, he has been offered a house on the campus as per his entitlement, as directed by Hon'ble CAT. However, he has refused to accept that house so far. Since he

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has been offered house in the month of November, 2014, therefore, as per office order dated 07.11.2014 (Annexure CPR/2), he has been allowed HRA upto the month of November, 2014. The applicant is now claiming the HRA as if he is staying at Ajmer whereas in the OA No. 252/2012, he had given the address of Beawar, therefore, he has been sanctioned HRA as per his entitlement.


4. We have heard the rival submissions of the parties and after careful perusal of the documents on record, we are of the opinion that the respondents have substantially complied with the order dated 03.09.2013 passed by this Tribunal in OA No. 252/2012. As per the policy dated 31.12.2012, the driver attached to the Principal has to compulsorily stay on campus. The petitioner vide order dated 29.10.2014 has been attached to the Principal and, therefore, he has to stay on the campus. It is not disputed by the learned counsel for petitioner that the petitioner has been offered an official accommodation on campus according to his entitlement but his grievance is that he has not been paid HRA as per his entitlement.

5. In Contempt Petition, no fresh directions can be issued and if the petitioner is aggrieved by payment order of his HRA, he can redress his grievance according to the provision of law. So far as this Contempt Petition is concerned, we are of the opinions that since the respondents have substantially complied with the direction of this Tribunal, the present Contempt Petition does not survives.

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6. Consequently the Contempt Petition is dismissed. Notices issued to the respondents are hereby discharged.


(Anil Kumar)
Member (A)


(B.V. Rao)
Member (J)

Abdul