

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 30.04.2002

CP 85/2001

Trilok Mishra son of Shri G.V. Mishra aged about 40 years.  
Resident of Railway Quarter No. 202 B, Bayana, at present  
employed on the post of TCM Grade I, under CTCI, Bayana.

...Petitioner

VERSUS

I.C. Sharma, Divisional Railway Manager, Western Railway,  
Kota Division, Kota.

....Respondents.

Mr. Shiv Kumar, counsel for the petitioner.  
None present for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)  
Hon'ble Mr. H.O. Gupta, Member (Administrative)

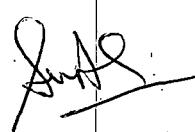
ORDER

PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

This Contempt Petition has arisen out of order dated  
15.5.2001 passed in OA No. 519/2000, Trilok Mishra vs. Union  
of India & Others.

2. Vide order dated 15.5.2001, passed in OA No.  
519/2000, this Tribunal allowed the OA with the following  
directions :-

- (i) Respondents shall regularise the retention of Quarter  
No. 202 B by the applicant w.e.f. 15.3.1997 to



15.9.1997 (for six months) as per instructions issued on payment of double the assessed rent or double the normal rent or 10% of the emoluments, whichever is higher.

(ii) The applicant shall pay the damage rent as per rules/instructions from 16.9.97 to 31.12.97 as per rules applicable for this purpose.

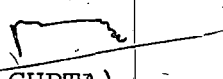
(iii) Regarding the period commencing from 1.1.98 to 1.4.98, the applicant may file a representation within 15 days from the date of passing of this order to the competent authority who will consider the case of the applicant sympathetically in view of the consent given to the applicant for out of turn allotment and circumstances which led to the applicant to retain that quarter. The amount already recovered from the applicant, if it is in excess, the same can be adjusted against the damage rent payable by the applicant.

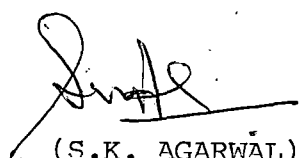
No order as to costs.

2. It is stated by the petitioner that opposite party has wilfully and deliberately disobeyed the orders passed by this Tribunal. Therefore, he should be punished for contempt.

3. A show cause notice was given to the Opposite party to file reply. In the reply filed by the Opposite party, it has been stated that respondents have fully complied with the directions of this Tribunal by issuing order dated 1.8.2001 and subsequently letter dated 29.1.2002. No rejoinder to this reply has been filed. Although the orders of this Tribunal have been complied with little bit late but applicant failed to establish the deliberate and wilful disobedience on the part of the respondents. Therefore, no case of contempt is made out against the opposite party.

4. We, therefore, dismiss this Contempt Petition and notices issued against the opposite party is hereby discharged.

  
(H.O. GUPTA)  
MEMBER (A)

  
(S.K. AGARWAL)  
MEMBER (J)