

**CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
KOLKATA**

**CPC 350/00084/2016
(In O.A.1038/2013)**

Date of Order : 09 .05.2016

**Present : Hon'ble Mr Justice Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member**

A. K. Shankar & Ors.

-Vs -

Mr G. Mohan Kumar & Another.

For the petitioner : Mr P. C. Das, Counsel

For the respondents : None

ORDER (ORAL)

JUSTICE V. C. GUPTA, JM:

The applicants filed this petition for contempt on the allegation of wilful disobedience of order passed by this Tribunal in O.A.1038/2013 decided on 30.11.2015 by the respondents. The relevant portion of the judgment of the O.A is re-produced herein below :

"6. The prayer of the applicants is precisely to the effect that similarly situated persons were given with the facility of enjoying HRA after vacating the government quarters allotted to them and the same facilities should also be extended to the applicants. Hence in this regard we could see considerable force in the submission of the applicants and accordingly direction is issued to the respondent authorities concerned to consider the prayer of the applicants with reference to the orders/judgments cited supra and pass a detailed order within a period of three months from the date of receipt of a copy of this order.

7. This O.A is accordingly disposed of. No costs."



In pursuance of an order passed by this Tribunal the authority in the matter of A.K.Shankar and others passed a speaking order on 10.02.2016, which has been annexed as Annexure CP2, which speaks as under :

"OA NO.1038 of 2013, IN R/O SHRI A.K.SHANKAR & OTHERS VS UOI & OTHERS

1. Reference: OA No. 1038 of 2013 in respect of Shri A.K.Shankar & others V/s UOI & others and Court order dt 30 Nov 2015.
2. The ORDER dt 30 Nov 2015 pronounced by Honorable CAT CAT, Calcutta in the subject OA No. 1038 of 2013 in respect of Shri A.K.Shanker & others V/s UOI & others has been considered by DGQA.
3. There are a number of organisations under Dept. of Defence Production in the Ministry of Defence, Directorate General of Quality Assurance (DGQA) and Directorate General of Ordnance Factories (DGOF) are two such organisations with Headquarters in Delhi and Kolkata respectively. DGQA establishments do not come under Ordnance Factory Board (OFB) hence; the orders passed by Hon'ble Courts in OA No. 1183/2010 are not applicable for DGQA establishments in DGQA organisations grant of HRA is governed by provision contained in Statutory Rules and Order SRO 31, published in Gazette Notification by Govt. of India on 27 Feb 2004. As per these provisions HRA will be admissible only if an employee apply for the government accommodation with the prescribed procedure but have not been provided with it and obtain "No Accommodation Certificate (NAC)" from the Estate Authority.
4. In view of the above your request for release of HRA has not been granted.
5. This has the approval of DGQA."

The authority in compliance with the order declined to grant HRA on the basis that applicants are not similarly situated persons to whom HRA was granted. The reasons were also given.

2. The learned counsel for the applicants would submit that the authorities has misinterpreted the order passed by the Hon'ble High Court and Supreme Court earlier and they are wilfully committed the contempt of the order passed by this Tribunal.

3. We are of the view that the contempt petition is not liable to be registered and cannot be entertained for the reason that order of this Tribunal has been complied with



by passing a speaking order after consideration of the case of A.K.Shankar and others. According to learned counsel for the applicants order has been passed without considering the authority cited in the judgment of the Tribunal. If it is so, it will be a fresh cause of action to the applicant to challenge the order in appropriate forum by moving appropriate application.

Accordingly CPC is dismissed.

(Jaya Das Gupta)
Administrative Member

(Justice V.C.Gupta)
Judicial Member

pg