

Notes of Registry	Order of Tribunal
	<p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI</p> <p style="text-align: center;">CA-01 of 2019 (In OA-30 of 2018)</p> <p>Wg Cdr Devi Lal</p> <p style="text-align: right;">..... Applicant By legal practitioners for Applicant.</p> <p style="text-align: right;">Mr Surajit Dutta Mrs Urna Dutta</p> <p style="text-align: center;">-Versus-</p> <ol style="list-style-type: none"> 1. Air Cmde Maneesh Agarwal Air Officer Commanding Air Force Station, New Delhi Race Course, New Delhi-03 2. Air Cmde RK Khattri Air Officer Commanding Air Force Central Accounts Office Subroto Park, Delhi Cantt-10 3. Maj Sabba Rizvi Barrack Store Officer Air Force Station Rajokri New Delhi-30 <p style="text-align: right;">..... Respondents By legal practitioner for Respondents. Mr. P.K. Garodia, CGSC</p> <p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J) HON`BLE LT GEN C.A. KRISHNAN, MEMBER (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>07.06.2019</u></p> <ol style="list-style-type: none"> 1. Heard both sides. 2. By filing this CA, the applicant has alleged that the contemnors have violated the order passed by this Tribunal on 19.12.2018. A notice dated 16 Jan 2019 has been issued whereby and whereunder the contemnors have charged damage rent and deducted considerable amount from the salary of the applicant.

3. Challenging the notice for eviction, the applicant has approached this Tribunal and this Tribunal considering the materials on records vide order dated 19.12.2018 passed the interim order pursuance of which the operation of the impugned notice dated 27.09.2018 was suspended. The applicant has alleged that during the pendency of the OA and continuation of the interim order, the respondents vide their order dated 16.01.2019 have deducted a sum of Rs. 1,18,800/- from the salary of the applicant as damage rent.

4. The contemnors in their counter affidavit have averred that they have not violated the order of this Tribunal because the Tribunal had not restrained the respondents to charge damage rent from the applicant. It is submitted that since the applicant has not been evicted, there is no violation of the order of this Tribunal.

5. Perused the original notice which was for the eviction of the applicant and there is nothing with regard to realization of any damage rent.

6. Therefore, in our considered opinion the CA is not maintainable.

7. Accordingly, the CA stands disposed of.

MEMBER (A)

MEMBER (J)

Kalita

