

10

Central Administrative Tribunal, Principal Bench

Original Application No.3458 of 2001

New Delhi, this the 14th day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman

Mrs. Raj Kumari Arora, Nursing Sister,
Employees State Insurance Hospital,
Bassai Darapur, Ring Road, New Delhi-15
Resident of Quarter No.123-24,
Employees State Insurance Colony,
Bassai Darapur, Ring Road,
New Delhi-15

.... Applicant

(By Advocate: Shri V.P.Trikha)

Versus

1. The Estate Officer (Medical Supdt.)
Employees State Insurance Hospital,
Bassai Darapur, Ring Road,
New Delhi-15

2. The Director General
Employees State Insurance Corporation,
Kotla Road,
New Delhi

.... Respondents

(By Advocate: Shri Yakesh Anand)

OR D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant is working as a Nursing Sister in the Employees State Insurance Hospital, Bassai Darapur, New Delhi. She has been allotted official residential quarters being quarters no.123-124 in the Employees State Insurance Colony, Bassai Darapur, New Delhi-15. By the present OA, she seeks to impugn a memorandum of 20.11.2001 (Annexure 'A') whereby she has been declared to be ineligible for residing in the aforesaid quarter on the ground that she has sublet and has permitted one Smt. Bindu Antony also working as a Nursing Sister in the same hospital, to share the same with her. She also impugns a memorandum of 12.12.2001 (Annexure A-1) whereby she has been informed that her reply dated 28.11.2001 to the aforesaid memorandum of 20.11.2001 has not been found to be satisfactory.

[Signature]

W

2. I have heard the learned counsel appearing for the contending parties and find that no just and sufficient cause has arisen in favour of the applicant to approach this Tribunal at this interlocutory stage. This is particularly so as I find that it will not be open to the respondents based on the aforesaid memorandums to take forcible possession without resorting to legal remedies available for seeking eviction of the applicant.

3. In the circumstances, I find that interests of justice will be duly met by disposing of the present OA with a direction to the respondents that they will not obtain forcible possession and will not charge penal rent or damages otherwise than in due process of law. Present OA is disposed of in the aforesated terms. It goes without saying that respondents will be at liberty to seek such remedy as available to them as per law, rules and instructions on the subject.


(Ashok Agarwal)
Chairman

/dkm/