

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1313/1998

(2)

New Delhi this the 20th day of July, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Surender Kumar Srivastava,
Senior Accountant,
Evacuee Property Cell,
Land & Building Department,
Vikas Bhawan,
New Delhi.

... Applicant

(By Shri Rajeev Sharma, Advocate)

-Versus-

1. National Capital Territory through Secretary, Land & Building Department, Vikas Bhawan, New Delhi.
2. National Capital Territory through its Chief Secretary, 5, Sham Nath Marg, Delhi-110006.
3. Union of India through Director (Rehabilitation), Ministry of Home Affairs, Rehabilitation Division, (Settlement Wing), Jaisalmer House, New Delhi.
4. Shri S. K. Gulia, Assistant Settlement Officer, Land & Building Department, Evacuee Property Cell, Vikas Bhawan, New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for applicant on admission.

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2. The applicant has two grievances - one, that his representation dated 3.3.1998 has not been decided so far by the respondents in spite of reminder sent on 28.5.1998; the second grievance is that against the rules, the period of deputation of the 4th respondent was extended till 28.7.1998 by the impugned order dated 21.1.1997 and, that the applicant apprehends that the period of deputation was further going to be extended on expiry of the present term of deputation on 28.7.1998.

3. In so far as the first grievance is concerned, we are of the view that it can be disposed of by directing the respondents to dispose of the representation within a period of one month from the date of receipt of a copy of this order.

4. In so far as the second grievance is concerned, whether legal or illegal, the extended period of deputation is going to expire on 28.7.1998 and, therefore, it is not advisable to examine the legality or otherwise of the impugned order of extension of the period of deputation. The apprehension that the respondents may further extend the period of deputation of the 4th respondent is at the stage of apprehension only and on the basis of such apprehension no relief can be granted to the applicant. We are, therefore, of the view that if further extension is granted to the 4th respondent by the official respondents and if such extension is felt

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to be against the rules, the applicant may approach the Tribunal again by way of filing an application under Section 19 of the Administrative Tribunals Act challenging such order of extension. Accordingly, this OA is hereby disposed of first by directing the respondents 1 to 3 to dispose of the applicant's aforesaid representation dated 3.3.1998 within a period of one month from the date of receipt of a copy of this order. Second, the prayer for quashing the impugned order of extension cannot be allowed in view of the fact that it is going to expire on 28.7.1998. If after 28.7.1998, the other respondents further extend the deputation period of the 4th respondent, the applicant shall have liberty to approach the Tribunal by way of a fresh application challenging such order of further extension.

5. Accordingly this OA is finally disposed of.

JK

(K. M. Agarwal)
Chairman

R. K. Ahuja —
(R. K. Ahuja)
Member (A)

/as/