

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.512/95

New Delhi: May 18, 1995

HON'BLE MR. S.R.ADIGE, MEMBER (A).

Shri Narender Dev Sharma,
r/o Quarter No.19R/450,
South Estate, Ordnance Factory,
Muradnagar.

By Advocate Shri A.K.Bhardwaj.

Versus

1. Union of India through
the Secretary,
Ministry of Defence Production,
Central Secretariate,
South Block,
New Delhi.
2. The Director General,
Ordnance Factories,
No.10Auckland Road,
Calcutta.
3. The General Manager,
Ordnance Factory,
Muradnagar,
Ghaziabad, U.P. Respondents.

By Advocate Shri V.S.R.Krishna,

JUDGMENT (ORAL)

In this application, Shri Narender Dev Sharma, Fitter General (SK) Ordnance Factory, Muradnagar has prayed for quashing of the order dated 9.3.95 passed by the Respondent No.3 directing him to vacate the Govt. quarter in his occupation within three days from the date of his removal from service. An interim direction had also been prayed to restrain the respondents from evicting the applicant from the said quarter till the disposal of this O.A.

2. On 24.3.95, the application was allowed to be retained at the Principal Bench and on 29.3.95, a notice to the respondents on the O.A. as well as on the prayer for interim relief was directed to be issued.

/

The next date fixed was 17.4.95, but as no reply was filed by the respondents, the case was adjourned to 9.5.95. By then the respondents filed a short reply, and time was given to the applicant to file rejoinder. Meanwhile as by order dated 29.3.95 itself, the case was listed for completion of pleadings, the case came up before me today.

3. I have heard Shri A.K.Bhardwaj for the applicant and Shri V.S.R.Krishna for the respondents.

4. Although in this O.A., the applicant has not directly challenged his removal from service, it is clear that the respondents' order directing him to vacate the Govt. residential accommodation in his occupation, has flowed out of the order removing him from service. In so far as his removal from service is concerned, it is clear from the materials on record that the applicant has filed a statutory appeal against his removal on 17.4.95, and meanwhile had also made an appeal dated 13.3.95 praying that he be allowed to retain the Govt. accommodation in his occupation till the decision on his appeal.

5. In this connection, applicant's counsel Shri Bhardwaj has invited my attention to the Full Bench decision dated 14.12.87 of CAT Patna in O.A.No.13/87 and connected cases, wherein it has been held that in cases where the public servants are removed or dismissed from service, when those orders are challenged before the appellate authorities or before this Tribunal, they should be allowed to retain the quarters until the appeals are disposed of by the appellate authorities and until the applications are disposed of by this Tribunal, and

unless such an order is made, the applicants would be exposed to great hardship.

6. In the facts and circumstances of the present case, I hold that the applicant's interest would be adequately protected, if the respondents allow him to continue in occupation of the premises in question till his appeal is decided, and in the event that any grievance still survives after the disposal of his appeal, till any revision, if any, preferred by him, is also decided. I direct accordingly.

7. Furthermore, in the event that the respondents seek to recover possession of the Govt. premises in question from the applicant, they will do so only in the manner prescribed by law.

8. Before concluding I would also observe that after the disposal of the appeal or revision any grievance still survives and the applicant files a fresh O.A., it will be open to him to make a prayer for interim relief to be allowed to continue in occupation of the premises in question which will be decided at that stage in accordance with law.

9. This O.A. is disposed of accordingly.
No costs.

Anup Singh
(S.R. ADIV)
MEMBER (A)