

Central Administrative Tribunal
Principal Bench

O.A. 1570/2000

New Delhi this the 9th day of November, 2000

(5)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Smt. Harbans Kaur,
W/o late Shri Mohan Singh,
House No. 41/2, Kabul Lines,
Delhi Cantt-110010.

... Applicant.

(By Advocate Shri D.S. Mahendru proxy for Shri S.K. Anand)

Versus

Union of India, through

1. Secretary,
Ministry of Defence,
New Delhi.

2. The Station Commander,
Station Headquarters,
Delhi Cantt-110010.

... Respondents.

(By Advocate Shri Rajinder Nischal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This is the second round of litigation by the applicant against the respondents. The applicant had filed an earlier application (OA 1456/99) which was disposed of by me by order dated 24.7.2000 with the directions, *inter alia*, that the applicant shall vacate the possession of the Government quarter in question within four weeks from the date of receipt of a copy of that order and hand over the same to the competent authority. Shri D.S. Mahendru, learned counsel submits that a copy of the order dated 24.7.2000 in OA 1456/99 was received by the applicant on 25.8.2000. However, in the meantime, respondents issued the impugned order dated 4.8.2000. The relevant portion of this order reads as follows:

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"Your case was heard in Hon'ble CAT on 24 Jul 2000 and the Hon'ble Court directed that you will vacate said accn within four weeks and pay double licence fee for the period of over stay/unauthorised period".

2. Learned counsel for the applicant has submitted that on receipt of this letter, the applicant had made a representation to the respondents to explain the Tribunal's order. It has been correctly alleged by the applicant that the impugned Annexure A-1 letter dated 4.8.2000 has been issued by the respondents without proper regard to the Tribunal's order dated 24.7.2000 as the crucial phrase "within four weeks from the date of receipt of a copy of this order" has been left out. Shri Mahendru, learned counsel has submitted that it is only because of this reason, the applicant has been forced to file the present application. In any case, learned counsel for the parties have submitted that the applicant has since vacated the Government quarter in question within the period allowed by the Tribunal. This O.A. has been filed in which a claim has been made to quash the impugned order dated 4.8.2000 and to allow the applicant the possession of the quarter in terms of the Tribunal's order in OA 1456/99, and to award exemplary costs against the respondents ~~and~~ in favour of the applicant who has been forced to approach the Tribunal unnecessarily this time.

3. I have heard Shri Rajinder Nischal, learned counsel, although the respondents have not filed any reply. He has submitted that as the applicant has already vacated the Government quarter in terms of the Tribunal's order, nothing further survives in the O.A.

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4. Taking into account the facts and circumstances of the case, I am unable to agree with the submissions of the learned counsel for the respondents. The impugned order issued by the respondents dated 4.8.2000 is contrary to the directions issued by the Tribunal in its order dated 24.7.2000 in OA 1456/99. The applicant has indeed filed this application mainly seeking quashing of this order which could have been avoided if the respondents had read the Tribunal's order dated 24.7.2000 correctly and taken consequential steps in accordance with it. The respondents have also not filed any appeal against that order. It is noted that the applicant has since vacated the Govt. quarter earlier allotted to her, that is, House No. 41/2, Kabul Lines, Delhi Cantt, within the period as directed in the order dated 24.7.2000. Since that order has become final and binding, it is needless to say that the respondents should fully comply with that order.

5. In the result, for the reasons given above, the impugned order dated 4.8.2000 is quashed and set aside. Since the applicant has already vacated the Government quarter in question, the other reliefs prayed for in paragraph 8(2) have become infructuous. In the facts and circumstances of the case, costs of Rs. 2000/- is granted in favour of the applicant and against the respondents.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'