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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1950/2000
MA 2004/2000

New Delhi this the 8th day of December, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

In the matter of :-

Hari Shanker
R/o Quarter No.71-D,
Railways Colony,
Hathras JN. District Hathras,
U.P.

...Applicant

(By Advocate : Sh. M.K.Bhardwaj, proxy for Sh.
A.K.Bhardwaj)

V E R S U S

1. Union of India

Through :-

The General Manager,
Northern Railway, (Allahabad Division,
DRM Office, Allahabad UP)
Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Allahabad Division
DRM office, Allahabad, UP.

3. The Divisional Superintendent Engineer (II)
Northern Railway, DRM Office
Allahabad (UP)

4. The Assistant Engineer (Line)
Northern Railway, Railway Station
(Tundla) UP

5. The Sr. Section Engineer
Northern Railway
Allahabad Division
Railway Station (Hathras)

...Respondents.

(By Advocate : Sh. B.S.Jain)

O R D E R (ORAL)

Justice V.Rajagopala Reddy,

This OA can be disposed of on a short ground.
The applicant was removed by an order dated 7-4-2000
after holding disciplinary enquiry. He filed an

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appeal on 9-5-2000. Pending the appeal, the applicant, however, approached the Tribunal in this OA. As he was removed from service, he was asked to vacate the railway quarter allotted to him while he was in service. The copy of the appeal was also filed at Annexure-14 page-30, which has been sent by Registered post.

2. Learned counsel for the applicant contends that the pending disposal of the OA, the applicant is entitled to continue in the quarter.

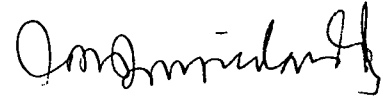
3. Learned counsel for the respondents, however, contends that though the applicant has been transferred, he continued to stay in the quarters at Hathras and on that ground the impugned order was passed evicting him from the quarter.

4. I have given careful considerations to the contentions.

5. A perusal of the impugned order does not indicate that it was passed only on the ground that he was occupying quarter even after transfer. If really action has to be taken against him for eviction, the respondents would not have waited for 3 years. In the context of the removal of the applicant, it has to be taken that the impugned order was passed only on the basis of his removal. But, since his appeal was pending against the order of removal, it is just and proper that he should be allowed to continue in the quarter till the disposal of the appeal.



6. In this view of the matter, the OA is disposed of with the direction that the applicant shall be continued in the quarter till the appeal dated 9-5-2000 was disposed of. No costs.



(V. Rajagopala Reddy)
Vice-Chairman (J)

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