

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R. A. NO. 1/94 &  
R. A. NO. 2/94 in  
O. A. NO. 1872/93

New Delhi this the 10th day of February, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN

Dr. Pranvir Singh,  
D.M.O. Northern Railway  
Health Unit,  
Delhi Shahdara,  
Delhi.

... Applicant

By Advocate Shri K. P. Dohre

Versus

Union of India & Ors. ... Respondents

By Advocate Shri R. L. Dhawan

O R D E R (ORAL)

At the outset I would like to make it clear that the question of reviewing an interlocutory order of the type made in this case on 24.11.1993 does not arise. There is no question of res judicata so far as the interlocutory orders of stay are concerned. An earlier interim order does not preclude, if the circumstances justify such a course, the Tribunal from varying or modifying or making a different type of interim order. Hence, I would not examine this case as a review application, but as an application for appropriate directions, in the interest of justice.

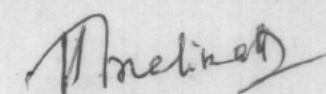
2. The original application has been admitted meaning thereby the petitioner has been able to make out a *prima facie* case. The only other question in regard to grant of interim relief is balance of convenience.

*In my opinion, the balance of convenience lies in*

granting an interim order. As the entire matter pertains to dispossession of the petitioner from the quarters occupied by him at Tughlakabad, if he is made to vacate from the quarters and he goes elsewhere, there may hardly be anything worthy <sup>for</sup> examining at a later stage. It is, therefore, in the interest of justice, having regard to the balance of convenience, that there should be an interim order in favour of the petitioner to enable him to continue in the quarters allotted to him at Tughlakabad till the disposal of the application. I do appreciate the contention of the learned counsel for the respondents that the incumbent of the post is, by the interim order, deprived of the allotment of the quarters at Tughlakabad resulting in the said Medical Officer's services not being capable of being utilised in an effective manner. Public interest, therefore, requires that this matter should be heard and disposed of finally.

3. For the reasons stated above, the earlier interim order is modified and there shall be an interim order staying the dispossession of the petitioner from the quarters at Tughlakabad till the disposal of the O.A. No. 1872/93. The O.A. is directed to be posted for final hearing after two weeks on the top of list.

4. It is needless to say that the petitioner having been allowed to continue in Tughlakabad on the strength of the interim order, he shall, whenever the occasion arises, attend to emergency duties at Tughlakabad. This disposes of both the R.A. Nos. 1 & 2 of 1994.

  
V. S. Malhotra

Chairman