

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1831/91
T.A. No.

199

(12)

DATE OF DECISION 09.9.1991

<u>Shri Hari Singh</u>	Petitioner
<u>Shri Shankar Raju</u> <u>Shri A.S. Grewal</u>	Advocate for the Petitioner(s)
<u>Versus</u>	
<u>Commissioner of Police</u>	Respondent
<u>Mrs. Avnish Ahlawat</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? */Ab*

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

We have heard the learned counsel of both parties. The relief sought in this application is that the impugned order dated 4.9.1989 whereby the applicant was directed to vacate the Government quarter be stayed till the final decision of the application or till the decision is given by the respondents on the representation made by him.

2. At the time of admission of this application on 13.9.1989 an ex-parte interim order was passed to the effect that the operation of the impugned order dated 4.9.1989 be stayed. This interim order was continued thereafter till the case was finally heard on 9.9.1991. The learned counsel of the respondents stated

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that the applicant would have retired from Government service on attaining the age of superannuation of 58 years on 30.4.1991. If the normal period of 4 months concession is also added, the applicant will have to vacate the accommodation on 30th August, 1991. The learned counsel of respondents, therefore, stated that there is no justification for the applicant's continuance in the Government accommodation.

3. The learned counsel of the applicant stated that the applicant has challenged the order of his compulsory retirement in OA 1031/89 which is pending adjudication before this Tribunal. He further states that the gratuity and other retirement benefits have not been released to the applicant and that the applicant has no other accommodation in Delhi to stay. He also prays that in any event the applicant should be given at least 60 days time to make the arrangements for alternative accommodation. The learned counsel of the respondents states that the applicant has not paid the licence fee from the date of initial order of stay till today. The learned counsel of the applicant states that the licence fee for the entire period upto 1st November, 1991 will be paid before he vacates the said quarter. He further states that the payment of licence fee should be adjusted against the gratuity to be paid to the applicant and necessary adjustments be made.

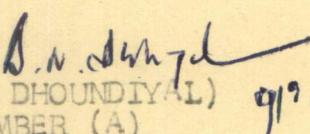
4. After hearing the learned counsel of both parties, we dispose of the present application with the direction

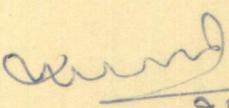
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that the applicant shall vacate the Government accommodation in his possession on or before 1st November, 1991. We direct that the applicant should pay the licence fee etc. in respect of the said accommodation in accordance with the relevant rules. He should give (a) an undertaking to the respondents that he would give vacant possession of the premises to them before that date and (b) an authorisation to the respondents whereby the outstanding dues may be adjusted by them against the gratuity payable to him.

There will be no order as to costs.


(B.N. DHUNDIYAL) 9/9/91
MEMBER (A)


9/9/91
(P.K. KARTHA)
VICE CHAIRMAN (J)