

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.2559/89 Date of decision:3.05.93

Sh.P.N.Kohli .. Petitioner

vs.
Union of India & ors.... Respondents

Coram: -

The hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr.S.R.Adige, Member (A)

For the Petitioner ... Sh. B. S. Mainee Counsel

For the Respondents ... Sh. Dalip Singh, Counsel.

JUDGEMENT (ORAL)

(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN)

On or before 15.11.88, the petitioner was posted at HPT, AIR, Kingsway, Delhi. As a part of his conditions of service, he had been allotted Government accommodation. He was in occupation of the same. On that day, he was transferred to the National Channel, AIR, J.L. Nehru Stadium, New Delhi.

2. On 28.9.89, the Section Officer rejected the request of the petitioner to allow him to continue in the Government accommodation in spite of his transfer and he was directed to vacate the Government accommodation. He was also informed that failing to do so will entail payment of rent at penal rates. At that stage, he came to this Tribunal by means of this OA. He failed to get an interim order.

3. During the pendency of this application, the Estate Officer, in his capacity, as the prescribed authority under Section 4 of the Public Premises(Eviction of unauthorised occupants) Act,1971 on 3.2.90 passed an order directing the eviction of the petitioner from the Government accommodation. That order was challenged by the petitioner before the District Judge in appeal. We are informed that the District Judge granted an interim order with the result that he continued to be in occupation of the Government accommodation. The appeal, we are informed, is still pending. On 27.11.90, the Deputy Director of Administration passed an order transferring the petitioner to the High Power Transmitter,All India Radio,Kingsway,Delhi with immediate effect. The result is that the petitioner is back to his original place of working.

4. Since the petitioner has been sent back to his original place of posting, the basis of the order dated 28.9.89 has disappeared and,therefore, this OA has become infructuous so far as this Tribunal is concerned.

5. There is some controversy about the payment of rent by the petitioner during the period when order of transfer was effective. We are told that proceedings under Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act,1971 have not been initiated but

say

penal rent was realised after making deduction from the salary of the petitioner. The petitioner has already made a representation to the appropriate authority in this behalf. That authority shall dispose of the representation keeping in view the fact that the order of transfer has been revoked. It is alleged that the order of transfer has been found to be bad.

6. With these observations, this petition is dismissed with no order as to costs.

R. Adige
(S.R. ADIGE)
MEMBER (A)

S.K.D
(S.K. DHAON)
VICE CHAIRMAN