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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. 866/89

Date of Decision 11.5.89.

Shri Bhag Singh

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Applicant

vs.

Union of India & Ors.

...

Respondents.

CORAM:- Hon'ble Shri B.C. Mathur, Vice Chairman
Hon'ble Shri T.S. Oberoi, Member.

For the applicant

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Sh. B. Krishan, Advocate

For Respondent No.
1, 2 and 3

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Shri P.P. Khurana, Advocate

For the Respondent No.
1-A.

....

Shri G.C. Lalwanti, Advocate

(Judgement of the Bench delivered by Hon'ble
Mr. B.C. Mathur, Vice Chairman)

The case of the applicant is that he belongs to D.G. Border Security Force but was on deputation to Delhi Police. He had given an undertaking in the Court of Additional District Judge, Delhi, before whom his appeal against the order of the Estate Officer for vacation of quarter was pending to the effect that he would vacate the quarter by 30th April, 1989. The order of the Additional District Judge, Delhi dated 30.11.88 reads as follows:-

" The learned counsel for the appellant wants to make a statement. Let the statement of the learned counsel for the appellant be recorded.

Under instructions from my client, the appellant, I have to submit that the appellant had been ordered to be reposted back to B.S.F. and in case the premises in question is not regularised in his favour by the concerned authorities by 30.4.89, he (appellant) undertakes that he shall hand over vacant and peaceful possession of the premises in question to the concerned authorities of the Directorate of Estates on or before 30.4.89, in the event of non regularisation of the allotment of the premises in his favour. The appellant is not assailing the orders of the learned Estate Officer

contd...

on merits. The appellant further undertakes to pay such rent/charges/damages as may be determined by the concerned authorities for his occupation of the premises in question upto the date of vacating the same as per rules.

In view of the above undertaking given by the counsel for the appellant, the time for vacating the premises in question by the appellant is extended upto 30.4.89. It is ordered that the appellant shall hand over vacant and peaceful possession of the premises in question to the concerned authorities of Directorate of Estate on or before 30.4.89. The appellant shall also be liable to pay such rent/charges/damages, as per rules, for his occupation of the premises in question upto the date of vacating the same. Subject to the above modification, the appeal of the appellant is dismissed. No order as to costs. Appeal file be consigned to Record Room and records of the Estate Officer be returned immediately."

In this undertaking it is clear that the applicant had undertaken to hand over the vacant and peaceful possession of the premises in question to the Directorate of Estate on or before 30.4.89, if his allotment was not regularised. Learned counsel for the applicant before the Additional District Judge, had also stated that he was not assailing the order of the Estate Officer on merits and further undertook to pay such rent/charges/damages as were to be determined by the concerned authorities. When the application was heard by a Single Bench of the Tribunal on 6.4.89 the case was referred to the Division Bench on 28.4.89 for admission and the applicant was allowed to maintain status-quo.

2. It has been stated by the learned counsel for the applicant that the applicant has not still ^{been} repatriated to B.S.F. but continues to work in Delhi Police on security job in the Prime Minister's Office. Clearly, as a member of the Delhi Police, he is not entitled to General Pool Accommodation ^{and} ~~but~~ in view of the clear undertaking given by the applicant in the Court of Addl. District Judge, Delhi to vacate the quarter on or before 30.4.89, in case the quarter was not regularised and since the quarter ^{has been} ~~was~~ not regularised in his name, so far, we see no reason to allow the application.

In the circumstances, we see no merits in this case and the same is rejected.

(T. S. GUERGI)
MEMBER

(B. S. MATHUR)
VICE CHAIRMAN