

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 10th day of December 2020

Original Application No. 330/00736 of 2020

Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)
Hon'ble Mr. Devendra Chaudhary, Member (A)

Smt. Sweta Srivastava, aged about 38 Years, W/o Krishna Ji Srivastava,
R/o Type 3, Room No. 6 F.F.D.C. Campus, Industrial Area, G.T. Road,
Makraand Nagar, Tirwa, Kannauj, U.P.

. . .Applicant

By Adv : Shri L.M. Singh and Shri Anjani Kumar Dubey

V E R S U S

1. The Additional Secretary & Development Commissioner (AS&DC),
Micro, Small & Medium Enterprises (MSME) & Chairman,
Governing Council, FFDC, Kannauj.
2. The Principal Director I/c, Fragrance and Flavour Development
Centre (FFDC), Kannauj.
3. The Assistant Director (F&F) & Estate Officer, Fragrance and
Flavour Development Centre, Kannauj.
4. Union of India through its Secretary, Ministry of Micro, Small &
Medium Enterprises, New Delhi.

. . .Respondents

By Adv: Shri D.S. Shukla

O R D E R

By Hon'ble Justice Vijay Lakshmi, Member (J)

Shri L.M. Singh, learned counsel for the applicant and Shri D.S.
Shukla, learned counsel for the respondents, both are present in Court.
The learned counsel for the parties agreed that the audio and visual
quality is proper.

2. The applicant is aggrieved by her termination order dated
28.10.2020, against which she has preferred the statutory appeal on
04.11.2020, which is pending adjudication before respondent No. 1.

However, during pendency of this appeal, the applicant, by the impugned order dated 02.11.2020, has been asked to vacate the Government accommodation allotted to her.

3. Learned counsel for the applicant has contended that during pendency of the appeal it cannot be said that the termination order has attained finality and therefore, the applicant is entitled to retain the Government accommodation at least till the disposal of her appeal.

4. Per contra, learned counsel for the respondents has vehemently opposed the OA by contending that the Government accommodation can be retained only for a period of one month, after the termination of a Government servant. Therefore, the impugned order cannot be said as illegal and arbitrary.

5. Having considered the rival submissions made by learned counsel for both the parties, we are of the view that no fruitful purpose will be served by keeping this matter pending. Accordingly, it is finally disposed of at the admission stage with the direction to the appellate authority to decide the pending appeal of the applicant dated 04.11.2020 (Annexure A-5) by passing a reasoned and speaking order in accordance with law, within a period of six weeks from the date of receipt of a certified copy of this order. The order so passed shall be communicated to the applicant without delay.

6. It is further directed that for a period of six weeks or till the disposal of appeal, whichever is earlier, the applicant shall not be compelled to vacate the Government accommodation.

7. It is made clear that we have not expressed any opinion on the merits of the case.

8. There is no order as to costs.

9. Hon'ble Shri Devendar Chaudhary, Member (Administrative) has consented to this order during virtual hearing.

(Devendra Chaudhary)
Member (A)

/pc/

(Justice Vijay Lakshmi)
Member (J)