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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. OA 407 of 1991

Date of decision: 21.8.91

Anang Pal Singh

Applicant

Vs.

Additional Deputy Commissioner of Police
Delhi.

Respondents

PRESENT

Shri Shankar Raju, counsel for the applicant.

Ms. Kum Kum Jain, counsel for the respondents.

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Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).

Hon'ble Shri P.C. Jain, Member (A).

(Judgment of the Bench delivered by Hon'ble Shri
Justice Ram Pal Singh, Vice-Chairman.)

By this application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents not to dispossess him from Government accommodation No. A-3/1/PS Model Town, Delhi, till the final disposal of O.A. No. 356 of 91 pending before this Tribunal.

2. The applicant was a constable in the Delhi Police Force. He was, after departmental enquiries, dismissed from service on 2.5.90. He preferred an appeal before the appellate authority which was also rejected on 26.12.90. According to this O.A., the applicant, aggrieved by the dismissal of his appeal, filed an O.A. before the Principal Bench which was numbered as 356 of 1991. According to the applicant, the said O.A. has been admitted for final hearing on 8.2.91, but no documents with regard to this have been annexed with the present O.A.

3. Annexure A-1 was passed by the Additional Deputy Commissioner of Police, Delhi, by which the applicant, consequent to his dismissal, was directed to vacate the residential quarter after a month as is provided in Section 27(1)(b) of the Delhi Police Act of 1978.

4. On notice, Mrs. Kum Kum Jain appeared, filed a counter

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and argued on behalf of the respondents. She has supported the order passed by the Additional Commissioner of Police and, inter alia, contended that this O.A. is not maintainable. Shri Shankar Raju, learned counsel for the applicant, has produced before us copies of the several orders of this Tribunal and contends that in all these O.As, the interim orders were passed. The interim orders are passed on the facts and circumstances of the particular case and can never be cited as precedent. Consequently, this argument of Shri Shankar Raju has no force. As contended in the O.A., when the Original Application No. 356/91 is pending adjudication before this Court, the applicant should have sought relief which has been sought by him in the present O.A. The multiplicity of proceedings is always discouraged by law. As according to this O.A., O.A. No. 356 of 91 is pending adjudication, the applicant can seek the remedy of interim relief or direction in the said O.A. that he should not be dispossessed from the residential quarter till the disposal of the O.A. When the applicant could seek the remedy of stay in O.A. 356 of 91, this O.A. shall not lie for granting him the ad interim relief or the final relief which has been prayed. Copies of order sheets in O.A. 356 of 91 have not been filed so that this Bench may assess whether the applicant had sought the relief and whether the Bench has rejected his plea. In the absence of any material on record and in the facts and circumstances of the case, we are of the opinion that this O.A. shall not lie under Section 19 of the Administrative Tribunals Act, 1985. Consequently, this O.A. is dismissed. Parties shall bear their own costs.

(P.C. JAIN) 21.8.91

MEMBER (A)

(RAM PAL SINGH) 21.8.91

VICE-CHAIRMAN (J)