

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 513 of 1991
T.A. No.

DATE OF DECISION 9.9.1991

<u>Kanwar Singh</u>	Petitioner
<u>Shri S.C. Luthra</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Shri O.N. Trishal</u>	Advocate for the Respondent(s)

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
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 ?

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

J U D G M E N T

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, and prays therein for a direction to the respondents to quash the order at Annexure A-1 and also a direction to dispose of his appeal pending before the appellate authority of the respondents.

2. By Annexure A-1, the applicant has been directed to vacate the premises occupied by him whose allotment was made by the respondents and it is this order which is being challenged by the applicant.

3. The respondents, on notice, have filed the counter and controverted the facts and the prayer contained in the O.A.

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4. The applicant was a cook in the Delhi Police who was dismissed from service as a result of the departmental enquiry. The applicant preferred an appeal before the Additional Commissioner of Police on 11.2.91. While the order of his dismissal was passed on 28.1.91, the appeal is said to have been filed within a period of 45 days, as per the provisions of CCS (CCA) Rules, 1965. According to the applicant, immediately after passing the dismissal order, Respondent No. 3 cancelled the allotment of quarter No. 4, Type I, PTS Complex, Jharoda Kalan, New Delhi, which was in the occupation of the applicant on 4.2.91. According to the O.A., the applicant is a low paid Group 'D' employee and hails from a backward area in Garhwal, U.P. The applicant also contends that he has been discriminated in the matter of cancellation of the allotment and in para 4.7 he has stated the fact that Cook, Diwan Ram, No. 16C, also working under the respondents was dismissed on 10.8.89 and his appeal was rejected on 11.12.89, and the revision application was disposed of on 5.4.90. According to the applicant, the said Diwan Ram was also in occupation of a Government quarter, but there were no orders of the cancellation of his allotment till 23.8.90, the date when he filed an O.A. in the Tribunal. Thus, the applicant contends that he has been discriminated.

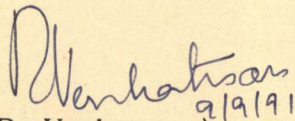
5. As we have heard this matter finally at the admission stage, we do not intend to dwell much upon the rules and the facts relied upon by both the sides. Departmental inquiry is a quasi-judicial proceeding in which the delinquent employee is awarded punishment. The remedy of availing the provision of appeal and revision are given in the Rules. The appeal and the revision proceedings are the extension of the departmental inquiry and it cannot be said that the order passed by the disciplinary authority is the final order. The order passed by the disciplinary authority is always subject to the final order passed by the appellate authority and the revisional authority. In such a situation, it cannot

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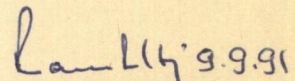
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be said that the disciplinary proceedings have come to an end, as contended by the respondents. In such a situation, we allow this O.A. and direct the respondents not to evict the applicant from Quarter No. 4, Type I, PTS Complex, Jharoda Kalan, New Delhi, until the disposal of his pending appeal and revision. The applicant shall be liable to pay the normal licence fee, according to rules, till then. The parties are directed to bear their own costs.


(R. Venkatesan)
2/9/91

Member (A)


(Ram Pal Singh)

Vice-Chairman (J)