

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(3)

O.A. No. 152/92.

Date of decision: 27.02.1992.

Sulekh Chand

...Applicant

Versus

The Commissioner of ... Respondent
Police: Delhi

CORAM:

THE HON'BLE MR. J.P. SHARMA, MEMBER (J).

Counsel:

Shri B.B. Raval ... For the applicant.

None ... For the respondents.

ORDER (ORAL)

The matter came before the Bench on 22.1.92 when the notices were issued to the respondent for 24.3.92. On 3.2.92, none was present on behalf of the respondent and fresh notice was issued to the respondent. The report of the Registry shows that the service on the respondent is sufficient but in spite of that none is present from the side of the respondents to oppose this application.

2. The applicant is an Asstt. Sub Inspector posted in Delhi Police under respondent no. 1. There was some ^{Departmental} proceedings against the applicant and he was punished by Order dated 27-12-91.

3. The applicant has preferred an appeal against this order of punishment on 114-1-1992 vide Annexure A-2 on record.

(K)

4. The grievance of the applicant is that since the appeal against the order of punishment has not been disposed of, the respondents have no right to evict him and the order dated 8-1-92 (Annexure 'A') should be stayed.

5. I heard Shri B.B.Raval, learned counsel for the applicant. None is present to oppose interim order passed on 22-1-92 nor the application as such, the notices and copy of the application have already been sent along with the order of 22-1-92.

6. In the absence of the respondents and also on the basis of natural justice, I find that the applicant should not be evicted from the Govt. quarter S-3/3, Type I, Police Lines, Andrews Ganj, New Delhi till the disposal of the appeal preferred by the applicant on 14-1-92. The question of charging all damages etc. from the applicant shall be left open which will be considered by the respondents after the disposal of the appeal. In the meantime, no licence fee etc. shall be charged without prejudice to the interest of the parties.

With the above direction, the OA is disposed of at the admission stage itself in the non-appearance of the respondents. The interim order passed earlier is hereby vacated. However, the parties shall bear their own costs.

J. P. Sharma,
(J.P.Sharma) 27.2.92
Member (J)