

4.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

(7)

M.P.101/93 in  
O.A. 1647/92

Date of Decision : 18.2.1993

Shri N. Hari Prasad

...Petitioner

Versus

Union of India,

Hon'ble Mr I.K. Rasgotra, Member (A)

For the Petitioner : Shri David Rao, Counsel


For the Respondents : Shri P. Minz, A.O. Ad.  
II N.C.R.B. (Departmental  
representative for the  
respondents)

JUDGEMENT (ORAL)

After hearing counsel for the petitioner and the Counsel for the respondents O.A. was restored to its original position. Thereafter, learned counsel for the petitioner submitted that issues of law and fact raised in this O.A. are the same as in O.A. 1428/90 in which judgement was rendered by the Tribunal on 8.1.1993. This fact is conceded by the respondents vide paragraph 4.10 to 4.12 of the counter affidavit. The learned counsel for the petitioner further submitted that the petitioner herein had also represented to the respondents to allow him to become co-petitioner in O.A. 1428/90. Since the respondent did not respond to his representation, petitioner filed this O.A. on 22 June, 1992 under Section

19 of the Administrative Tribunal Act, 1985. 9

I have perused the judgement dated 8.1.1993 rendered in O.A. 1428/90 and the record of the case before me. As the issues raised in the present O.A. are on all four with those already concluded in O.A. 1428/90 between Shri Sikandar Lal and others versus Union of India, the petitioner herein is also entitled to receive identical relief. Accordingly, I direct that the respondents shall give an option to the petitioner of reverting back to his parent department. In case he does so, he should be treated as deputanist entitled to the facility of rent free quarter or rent in lieu thereof till the date of his reversion. If he opts of permanent absorption, he will not be entitled to these facilities and for this purpose he shall be entitled to one month's notice before the facility available to him is withdrawn; payments already made shall not be recovered nor the rent free accommodation already enjoyed taken away retrospectively. In the latter case the petitioner shall not be made liable to payment of any arrears O.A. is disposed of as above. No costs.

  
(I.K. RASGOTRA)  
MEMBER (A)