

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 08.09.92.

OA 2311/92

VIRENDER KUMAR & ORS.

... APPLICANTS.

Vs.

THE COMMISSIONER OF POLICE & ANR.

... RESPONDENTS.

CORAM:

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

For the Applicant

\ ... SHRI K.G. BHAGAT with
SHRI M.S. DAHIYA.

For the Respondents

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1. Whether Reporters of local papers may be
allowed to see the Judgement ?

2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicants 19 a number, ASI Virender Kumar and others have filed this joint application with MP 2672/92 for joining together for the relief common to them that the respondent No.1 i.e. Commissioner of Police, Delhi, be directed not to disturb the allotment of the flat occupied by the applicants vide order dated 02.9.82 and further, not to change the category of the quarter by the order dated 28.8.92. The order dated 28.9.92 is annexed with the application and this order contains about 52 employees of the rank of ASI as well as HC and also of Constable ranks.

I have heard the learned counsel appearing for the applicants and allowed the MP for joining together in

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the OA. The present application has been filed without making any representation to the respondents and though there is an averment that the applicants have availed of all the remedies available to them under the relevant service rules but the learned counsel appearing for the applicants gave a statement at the bar that this averment in para 6 at page 8 of the OA is stand deleted and he doing so.

The main argument of the learned counsel is that without giving an opportunity of hearing the applicants cannot be uprooted from the lawfully allotted premises to them about a decade earlier. In fact, the impugned order annexed with the application itself does not show the urgency or the requirement by the respondent No.1 i.e. the Dy. Commissioner of Police which warrants the change of the category of the quarters as well as the allotment of alternative accommodation to the occupants thereof. The order in this respect is totally silent and has been filed alongwith this application. Since an interim relief is being pressed by the learned counsel for the applicants that the respondents be directed to not get the said premises vacated so in view of the circumstances of the case and in order to stand of the respondents while hearing such a grievance of the applicants the application is disposed of at the admission state not on merits or on

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consideration of the facts alleged but with the direction to the respondents to dispose of any representation, if made, within one week from the date of receipt of this order and within a month thereof. If the applicants are still aggrieved by such an order, they can assail the same according to law and subject to law of limitation. If no such representation is made by the applicants individually detailing their inconvenience or hardship likely to be suffered by such shifting to the allotted premises and against the impugned order.

The application is, therefore, disposed of accordingly. A copy of this order be given dasti.

In the meantime, till the disposal of the representation of the applicants, if made, they should not be vacated forcefully from the occupied allotted quarters.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)
08.09.92