

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
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OA 2906/92

Date of Decision: 24-02-93

SURAJ PRAKASH

... APPLICANT.

Vs.

DELHI ADM. & ORS.

... RESPONDENTS.

CORAM:

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

HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant

... SHRI J.P. VERGHESE.

For the Respondents

... MRS. MEERA CHHIBBER.

J U D G E M E N T

(DELIVERED BY HON'BLE SHRI S.R. ADIGE, MEMBER (A).)

The petitioner Shri Suraj Prakash is a dismissed Constable of the Delhi Police, whose prayer is to restrain the respondents from proceeding to vacate him from quarter No.R-4/1, Type-I, P.C. Andrews Ganj, New Delhi and from charging any penal licence fee for the said quarter.

The applicant was employed as a Constable in the Police Force Delhi, against whom a case was registered under Section 384/34 of the IPC for taking two slabs of Silver from the complainant and asking him to run away. The petitioner was arrested alongwith a companion constable and was prosecuted under Section 383/34 of IPC. Departmental proceedings were also drawn up against the petitioner and

after conducting enquiry he was ordered to be removed from service w.e.f. 8.1.92 and the allotment of the quarter in his name was cancelled w.e.f. 8.2.92. The petitioner challenged the order of removal in OA 150/92, in which inter-alia he prayed for interim relief, that he should not be evicted from the said quarter. The interim relief was granted on 21.1.92, and thereafter the Tribunal disposed of OA 150/92 on 31.8.92 holding that the petitioner should in the first instance exhaust his remedy of appeal before the Lt. Governor of Delhi. The interim orders were vacated.

The petitioner claims that he appealed to the Lt. Governor on 19.9.92 (Annexure-III), but while this appeal was pending he received notice dated 26.10.92 under Section 27(1) Delhi Police Act (Annexure-I) directing him to vacate the quarter within 10 days failing which he would be evicted. It is against that order, that this petition has been filed.

We have heard Shri J.P. Verghese, learned counsel for the applicant, and Mrs. Meera Chhibber, learned counsel for the respondents.

Mrs. Chhibber has drawn attention to the photocopy of the D.D. Entry No.10A dt. 21.12.92 P.S. Defence Colony, New Delhi, filed with the written statement by the respondents, from which it is clear that the petitioner

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removed his lock, and took away his belongings from the said quarter giving vacant possession of the same to the Police Authorities on that date. This fact has not been denied by the petitioner.

As the quarter in question has been vacated by the petitioner, and no order for payment of penal licence fee has been issued to him, the question of restraining the respondents from evicting the petitioner & charging penal licence fee from him does not arise. This petition is accordingly dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)