

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

Date of Decision: 01.12.92

OA 3096/92

A.K. SINGH

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

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

For the Applicant

... SHRI SHYAM BABU.

For the Respondents

... - - -

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

JUDGEMENT (ORAL)

The learned counsel for the applicant has been heard on admission and interim relief.

The applicant, who was ~~the~~ Assistant Sub Inspector of Police (Ministerial) in the Delhi Police, was proceeded with departmentally and he has been dismissed from service by an order passed on 10.07.92. He filed an appeal on 7.8.92, which is still pending. He has also been served with a notice dated 22.10.92 asking him to vacate the residential quarter No.J-2/3, Type-II, Andrews Ganj, New Delhi, allotted to him. In this OA, under Section 19 of the Administrative Tribunals

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Act, 1985. he has assailed the aforesaid order of dismissal from service, and has prayed for (i) quashing and setting aside the enquiry report dated 9.6.92; (ii) quashing and setting aside the impugned order dated 10.7.92; (iii) or the Appellate order that may be passed during the pendency of the present application; ^{and} (iv) to reinstate him into the service with all consequential benefits of seniority, monetary or promotion. As an interim measure he has prayed that a direction be issued to the respondents not to dispossess him from the aforesaid Government quarter.

The prayer for quashing of the Appellate order that may be passed and is ^{not} ~~maintainable~~ maintainable. Admittedly, the appeal filed by the applicant against the punishment order has not yet been disposed of ^{now} for a period of six months from the filing of the appeal has lapsed. The OA, ⁱⁿ so far ^{it} relates to the prayer for quashing of the enquiry report and the punishment order is accordingly premature and not maintainable in accordance with the provisions of Sub-Section 1, ^{of} Section 20 of the Administrative Tribunals Act, 1985. As regards the prayer for interim relief, as the appeal of the applicant is yet to be disposed of, it would be just and fair that the applicant is not dispossessed from the quarter allotted to him while in service, till the disposal of the appeal. This OA is, accordingly, disposed of at the admission stage itself. Needless to say that the applicant shall be free to approach

(Cm)

the Tribunal in accordance with the law, if so advised, if he
is ^{C. Feb} ~~not~~ aggrieved by the final order, which ^{C. May 6} ~~has~~ passed in
this case.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)
01.12.92

P. C. Jain
(P.C. JAIN)
MEMBER (A)
01.12.92