

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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(6)

15.07.1992

MP 1247/92 in OA 483/92

SHRI GURCHARAN SINGH

...APPLICANT

VS.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM :

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

FOR THE APPLICANT

...SHRI O.P. SOOD

FOR THE RESPONDENTS

...SHRI H.K. GANGWANI

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

JUDGEMENT (ORAL)

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

The applicant is aggrieved by the order dt. 17.1.1992 and the order dt. 10.2.1992. The order dt. 17.1.1992 is that an alternative accommodation is being allotted and Quarter No.31/3 KLP Line is to be vacated by 28.1.1992. The order dt.10.2.1992 is for further grant of time till 7.2.1992 to vacate the Quarter No.31/3 KLP Line and to shift to Quarter No.44/5(Type III) CVD Line, Delhi Cantt. The ground taken by the applicant that he was allotted accommodation 31/3 KLP Line in 1984 and since then he is living with his family. It is further stated that the order of change of the present accommodation to Quarter No.44/5 (Type III) CVD Line is unwarranted and unsustainable.

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The respondents contested the application and filed a reply. The respondents have also annexed with the reply a letter dt. 8.4.1992 (Annexure K) which goes to show that instead of Quarter No.44/5 (Type III), the applicant has been allotted Quarter No.35/5 (Type III) CVD Line, Delhi Cantt. as an alternative accommodation. It is further stated in the reply in para-13 that the applicant has since vacated the premises 31/3 KLP Line. On the strength of these assertions, the learned counsel for the respondents argued that the present application has become infructuous.

The learned counsel for the applicant, though handicapped by not having the file with him today but on getting the same from the learned counsel for the respondents, stated that the applicant should be given a liberty to move again for the redress of any other grievance which may have occasioned to him after shifting to the new accommodation in view of the modified order dt. 8.4.1992 (Annexure K annexed to the counter). A perusal of the reliefs claimed by the applicant in para-8 of the application shows that the applicant has only prayed for quashing of the orders dt. 17.1.1992 and 10.2.1992 with a further direction to the respondents that the applicant be allowed to remain in occupation of house No.31/3 KLP Line, Subroto Park, New Delhi. No other relief has been claimed in this application regarding the damages or any other consequential or incidental relief.

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In view of this, when the order dt. 17.1.1992 as well as the order dt. 10.2.1992 have been modified by a subsequent order dt. 8.4.1992, then these orders which were assailed by themselves became non-existent. Regarding the other reliefs that the applicant be allowed to retain the Premises No.31/3 KLP Line, Subroto Park, New Delhi, the departmental representative Captain R.N. Sehgal present with the learned counsel for the respondents instructed the learned counsel for the respondents that the applicant has since moved to the new accommodation allotted to him by virtue of the order dt. 8.4.1992 and on the strength of these instructions, the learned counsel for the respondents gave a statement at the bar. In view of this fact, this relief also goes away.

In view of the above facts and circumstances, the application is dismissed as infructuous with the liberty to the applicant that if he is still aggrieved by any such order subsequent to the filing of this Original Application, the cause of action of which has arisen thereafter, he may assail that grievance, if so advised subject to the law of limitation in the competent forum. In the circumstances, the parties shall bear their own costs.

J. P. SHARMA
(J.P. SHARMA)
MEMBER (J)
15.07.1992