

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

PRINCIPAL BENCH, NEW DELHI.

O.A.No.239/93

Date of decision:02.02.1993.

Sh. Channoo ..... applicant

Versus

Union of India ..... respondents

Coram:-

The Hon'ble Mr. P.C. Jain, Member(A)

The Hon'ble Mr. J.P. Sharma, Member(J)

For the applicant : Sh. Shyam Babu, counsel

ORDER(ORAL)  
(delivered by Hon'ble Mr. P.C. Jain, Member(A))

Heard on admission and interim relief.

The order impugned in this case is dated 5.10.1992 (Annexure C) by which the applicant <sup>was</sup> retired under Rule 48 of the CCS (Pension) Rules, 1972. The applicant filed an appeal against this O.A. on 23.10.1992. Admittedly the appeal has not been disposed of as yet nor a period of 6 months has passed since the filing of the appeal. Accordingly, the O.A. is pre-mature in terms of provisions of sub-section(1) of Section 20 of the Administrative Tribunals Act, 1985.

The learned counsel for the applicant strongly urged that, as an interim measure, direction be

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issued to the respondents not to dispossess the applicant from the government accommodation No. Type 1/3, Schedule 'A', President Estate, Rashtrapati Bhawan, New Delhi. The prayer for the above interim relief is obviously with reference to office order dt. 28.10.92 (Annexure F) by which the applicant has been directed to hand over the vacant possession of the quarter to the Junior Engineer, Schedule 'A' Enquiry Office on or before 5.2.1993 i.e. after a period of 4 months from the date of his compulsory retirement. This office order dt. 28.10.1992 has not been impugned in this O.A. As the O.A. is itself being pre-mature, it would not be proper to us to give any interim direction.

In view of the above discussion, the O.A. is dismissed as pre-mature without prejudice <sup>to C.</sup> the right of the applicant to approach the Tribunal at the appropriate time in accordance with law, if so advised.

*J.P. Sharma*

(J.P. Sharma)

Member (J)

02.02.93

*P.C. Jain*

Member (A)

02.02.93