

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.266/93

Date of decision: 17.02.1993.

Sh. Kunwar Singh

.....

Applicant

Versus

Union of India & Ors.

.....

Respondents.

Coram:-

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

For the applicant : Sh. K.N. Bahuguna, counsel

For the respondents : Sh. R.L. Dhawan, counse.

JUDGEMENT(ORAL)

(delivered by Hon`ble Mr. J.P. Sharma, Member(J)).


Sh. Kunwar Singh who was working as Trolleyman has filed the present application aggrieved by the show cause notice dt. 30.11.92 on the subject of unauthorised occupation of Railway Quarter No.F-145, Railway Colony, Kishan Ganj, New Delhi in which it is stated that the proceedings under Section 190 of Railway Act, 1989 will be started against him. The applicant has claimed the relief in the present application that the impugned notice be quashed pending the hearing and disposal of his appeal before the Appellate Court and the applicant be not dispossessed.

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The learned counsel for the respondents stated that he has not received the comments from the respondents but he has no objection to the hearing of the matter as by the order dt. 4.2.93 the status quo as of that date was ordered to be maintained.

Since, the contention of the learned counsel for the applicant is, as also averred in the OA, that the appeal against removal has not yet been disposed of departmentally, so the applicant should not be dispossessed. This fact is not disputed by the learned counsel for the respondents but he is not sure whether the said appeal has been disposed of departmentally or not.

In view of the above facts and circumstances, the present application appears to be premature and is disposed of with the direction to the respondents not to dispossess the applicant till the disposal of the departmental appeal pending against him. It is made clear that the applicant shall be at liberty to approach the Tribunal again if he still aggrieved by the final order passed against him according to law. In the circumstances, the parties are directed to bear their own costs.


(J.P. Sharma)

Member(J)

17.02.93