

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

(CB)

O.A. No.502/93

Date of Decision : 18.03.93

Shri Gulam Mustafa

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri Chandersekhar,
Counsel

For the Respondents

...Shri J.C.Madan, alongwith
Shri P.H. Ramchandani,
Senior Counsel

Judgement (Oral)
(Delivered by Hon'ble Shri J.P.Sharma, Member (J)

The applicant, Shri Gulam Mustafa filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging his transfer from Aligarh to Surat by the order dt.4.12.1992 issued by the Director General, AIR. The applicant appears to have made some representation against this order of transfer, but before the result of the same could be notified, the applicant filed the present application on 26.2.1993. In the meantime, the respondents have favourably considered the representation of the applicant and the transfer order dt.4.12.1992 has been modified and the applicant has been adjusted at the All India Radio Station, Jallandhar for which he has also given a choice. In fact the present application has become ~~and~~ ^{and} ~~pro~~ ^{and} ~~ous~~ ^{ous}.

The learned counsel for the applicant, however, argued

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that he wants another favour from the respondents in pending the joining at Jallandhar by the modified order of transfer dt. 30.6.1993. However, it will be too much to expect from the respondents because the work which the applicant has to discharge from Jallandhar could not be taken from another incumbent and the seat cannot be kept vacant for such a long time. The learned proxy counsel for the respondents, Shri J.C. Madan, however, stated that the respondents may have no objection if the Government residence allotted to the applicant is retained till the session of the education of the children of the applicant is finally over. As is the practice, the session of education come to an end by 20th May of each year. In view of this, the respondents may permit the applicant to retain the quarter till 31st May, 1993 and if the applicant retains the quarter thereafter, he will be treated unauthorised occupant of the same and shall be liable to be governed under the extant Rules. The present application is, therefore, disposed of accordingly with no order as to costs. A copy of the order be given dasti to both the parties.

J. P. SHARMA 18/3
MEMBER (J)
18.03.1993