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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.844 OF 2005

ALLAHABAD, THIS THE 29th DAY OF JULY, 2005

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

Sudhir Chandra Srivastava, son of Late Rudra Prasad Srivastava, Resident of, 562 Ka, Bichhiya Railway Colony, District Gorakhpur.

.....Applicant.

Counsel for applicants : Shri R.C. Singh.

Versus

1. Union of India through General manager, N.E. Railway, District Gorakhpur.
2. The North Eastern Railway through its General Manager, District Gorakhpur.
3. Senior Manager (Printing & Technology), N.E. Railway, District Gorakhpur.

.....Respondents.

Counsel for Respondents : Sri A.K. Gaur.

ORDER (Oral)

HON'BLE MRS. MEERA CHHIBBER, J.M.

By this O.A., applicant has sought quashing of the order dated 8.7.2005 whereby he has been asked to vacate the Railway Quarter with immediate effect in view of the order dated 6.7.2005 whereby he has been removed from service (Page 12). It is stated by the applicant that against the order of his removal, he has already filed a detailed appeal on 13.7.2005 to the Appellate Authority i.e. General Manager, North East Railway, Gorakhpur (Page 38). The same has not yet been decided yet applicant has been asked to vacate the quarter. He has relied on 1988 ATC(8) 723, D. N. Singh vs. Union of India & others wherein it was held that during the pendency of

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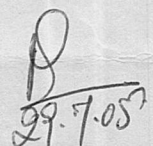
appeal, it is not proper for the authorities to ask an employee to vacate the Government accommodation.

2. Counsel for the respondents submitted that applicant had earlier filed O.A. No.785/05 to challenge his removal order but the same was disposed of on 20.7.2005 by directing the Respondents to decide his appeal within a period of three months from the date of receipt of a copy of the order. He has admitted that appeal of the applicant has not yet been decided.

3. In view of the position, as explained above, I am satisfied that there is no justification to ask the applicant to vacate the Government accommodation at least so long his appeal against the removal is pending with the Appellate Authority. Therefore, the impugned order is directed to be kept in abeyance till the appeal of applicant is decided by the Appellate Authority against the order of his removal. Respondents shall pass fresh order at that stage depending on the final orders and keeping in view the rules on the subject.

4. With the above direction, this O.A. stands disposed of.

No order as to costs.


29.7.05
J.M.

Asthana/