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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

O. A. NO. 772 of 1994

Cuttack this the 6th day of August, 1996.

Shri Saroj Kumar Mota ...

Applicant

Vrs.

Union of India & Others. ...

Respondents

( FOR INSTRUCTIONS )

1. Whether it be referred to the reporters or not? No
2. Whether it be referred to all the Benches of the Central Admin. Tribunals or not?

*Narasimha*  
( N. SAHU )  
MEMBER (ADMINISTRATIVE)

6/8/96

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.**

**ORIGINAL APPLICATION NO: 772 OF 1994  
CUTTACK THIS THE 6TH DAY OF AUGUST, 1996**

**CORAM:**

**THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE).**

**IN THE MATTER OF:**

**SHRI SAROJ KUMAR HOTA,  
AGED ABOUT 36 YEARS,  
SON OF SHRI RARESWAR HOTA,  
CIVILIAN MOTOR DRIVER, GR. II,  
ORDNANCE FACTORY, PO. BADMAL,  
DISTRICT. BOLANGIR, ORISSA-767770.**

... ... **APPLICANT**

**By the Applicant :**

Mr. A.C. Mohanty,

✓ Advocate

- Versus -

- 1) Union of India represented through its General Manager, Ordnance Factory, Bolangir.
- 2) Deputy General Manager, Ordnance Factory, Bolangir.
- 3) Estate Officer, Ordnance Factory, Bolangir (P), Badmal.

✓ **RESPONDENTS**  
M/s Aswini K. Misra & J. Sengupta and

By the Respondents : Mr. Akhaya Kumar Mishra, Additional Standing Counsel (Central).

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**O R D E R**

**R. N. SAHU, MEMBER (ADMINISTRATIVE):** The applicant is aggrieved by the orders dated 4-8-1994 of the Deputy General Manager and 20-9-1994 of the Estate Officer, Ordnance Factory, Bolangir (P), Badmal directing his eviction. The applicant was removed from service as an habitual offender by an order dated 02-08-1994. He filed

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an appeal against the order of removal. The General Manager, while the appeal was subjudice, directed the eviction from the allotted quarter by an order impugned dated 4-8-1994. There is no need to go into a detailed discussion of the merits of the case. Eviction notice under the provisions of Public Premises Eviction of Un-authorised Occupants Act, 1971 was issued by the Estate Officer to the petitioner. On 30-8-1994 and on 8-9-1994 his request for continuation in the quarters till the disposal of the appeal was rejected. On 27-9-1994 after perusing the applicant's reply, the Estate Officer again passed an order directing the applicant to hand over the vacant possession of quarter. On 27-9-1994 the applicant filed an appeal before the Additional District Judge, Titilagarh challenging the order of the Estate Officer on 30-1-1995. This appeal was withdrawn on 24-11-1995. The appeal dated 30-8-1994 against the order of removal by the disciplinary authority was rejected by the appellate authority against which the petitioner moved this Tribunal and the O.A. is pending.

2. In the conspectus of the above facts, there is no merit at all in this application.

3. The Respondents in the counter-affidavit pointed out that filing an appeal against the order of removal does not itself absolve the liability of the petitioner to vacate the premises. Under the statutory rules framed on 20th April, 1993

it has been provided that a dismissed employee can retain the residential accommodation only for one month. These are provisions under Allotment for Residential Quarters (Ordnance Factories for Civilian in Defence Service) Rules, 1993 which are framed under Article 309 of the Constitution. The Petitioner's continuance beyond 30 days is impermissible. About the competency of the Estate Officer, it has been stated that under a valid notification published during 1990, the General Manager, Deputy General Manager (Works), Assistant Works Manager have been notified to act as Estate Officer.

4. A pending statutory appeal against an order of punishment can be interpreted to mean continuance of a disciplinary proceeding but once the appeal is disposed of and in this case dismissed, there is no further justification for the applicant to continue to stay in the quarters. As much has been admitted during hearing on 24-4-1996 when the applicant's counsel stated that the applicant has no objection to vacate the quarters. He was only waiting for his retirement dues to be paid. That is a matter which is not germane to this application. The application is dismissed. No costs.

Narayankur  
( N. SAHU ) 6/8/96  
MEMBER (ADMINISTRATIVE)

KNMehanty