CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 12th day of March, 04.

O A. No.- 461|2003

Ali Zafar Husain   vs. U.O.I. & others

HON. SHRI M.L. SAHNI, MEMBER(J)

The applicant Ali Zafar Husain has impugned the orders Annexures A-4 and A-6 passed by the respondents whereby he had been asked to vacate the railway quarter No. A-52-D Railway Colony Lucknow after the allotment stood cancelled in his name.
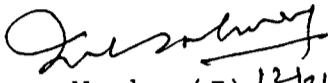
2.   By the present O.A. the applicant has alleged that the orders passed against him are against the settled principles of law because copy thereof had not been served upon him, and therefore, the same are liable to be qushed. Vide order dated 26.9.03 when the learened cousel for the respondents asked for time to file Counter Affidavit, the Trbunal granted interim stay in the following terms: "The applicant shall not be asked to vacate the railway quarter No. A 52 D, 40".

2.   Enjoying the fruits of this interim order, the applicant had continued with the possession of the Government accommodation till date and today, it has been stated by the learned counsel for the applicnt that in view of the removal of the applicant from service, the applicant does not want to press this O.A.. and the same be dismissed.

3.   The learned counsel for the respondetns has contended that in-terim order was obtained by the applicant by misleading the court becuase he had already been removed from service when the O.A had been filed in the Tribunal.

4.   Without entering into the controversy with regard to action required to be taken against the applicant, since I feel that the applicant does not want to press this O.A., the same has become

infructuous and is liable to be dismissed. It is however observed that the respondents are at liberty to take any action in accordance with law for recovery of rent from the applicant if found in unauthorized occupation of the Government quarter. The O.A. stands disposed of. No order as to costs.

Member(J) 12/3/04

Lucknow; Dated:12.3.04

Shakeel/