

DA - 15/96

1./ 10.1.96.

Hon'ble Mr. K.D. Saha, Member (A)

Heard learned counsel for the applicant.
The learned counsel for the applicant prays for short
adjournment to amend relief clause of the application.
The prayer is allowed. List this case on 12.1.96 for
admission.

/CBS/


(K.D. Saha)

~~2x1x24x1x26x~~

~~Hon'ble Mr. K.D. Saha, Member (A)~~

2/12.01.96

Hon'ble Mr. K.D.Saha, Member (A)

.....

As prayed for, list this case
on 24.01.1996.

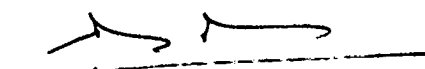

(K.D.Saha)

SKJ 3./ 24.1.96.

Hon'ble Mr. K.D. Saha, Member (A)

Shri Amit Srivastava, the learned counsel for the
applicant submits that he is filing ^{an} MA today. List this
case alongwith MA on 29.1.96 for admission.

/CBS/



(K.D. Saha)
Member (A)

4
29.1.96

CM

Hon'ble Shri K.D.Saha, Member(A)

Adjourned to 30.1.96 for
admission.


(K.D.Saha)
Member(A)

5/30.1.1996

Hon'ble Mr. K.D.Saha, Member(A)

Heard the learned counsel for the applicant Shri Amit Srivastava. By this application, the applicant has prayed for quashing the order of compulsory retirement dated 29.12.1995 as contained in Annexure-A/15 and grant of other consequential benefits.

2. This is a Division Bench matter. Presently, no Division Bench is available. There is no likelihood that the Division Bench will be available shortly.

The learned counsel submits to restrain the Respondents from evicting the applicant from the Government Quarters till the disposal of the statutory appeal to be filed by the applicant against the order of the disciplinary authority ordering compulsory retirement from service with effect from 30.12.1995.

3. Considering the submissions and after going through the averments, I admit this application for hearing. Issue notices to the respondents to file written statement within six weeks. Rejoinder, if any, shall be filed within two weeks thereafter. Requisites to be filed immediately.

Contd.3/-

O.A. - 15/96

It appears that the applicant has not ^{yet} filed any appeal in accordance with the statutory provisions as contained in the COS (CCA) Rules, 1965 against the order passed by the disciplinary authority vide Annexure-A/15 dated 29.12.1995 for his compulsory retirement. The learned counsel for the applicant submits that the applicant is filing the appeal within the stipulated period of 45 days expiring on 13.2.1996 and he prays for interim order that till the disposal of the appeal being preferred by the applicant within the stipulated period of 45 days, the respondents should not evict the applicant from the government quarter, occupied by the applicant at present.

Considering the submissions, I hereby order that the respondents are restrained from evicting the applicant from the government accommodation which he is now occupying, till the disposal of the above said appeal by the appropriate appellate authority. List this case on 14.2.1996 for hearing on stay matter by which date the respondents shall file show-cause as to why the interim order be not made absolute.

Let a copy of this order be given to the learned counsel for the applicant today itself.

(K.D. Saha)
Member (A)

Requests
today
30-1-96

Received
Nonsal Sharma A/C
Mr. Amit Shekhar
Advocate
30.1.96

Notice
on 6/2/96
S.H.
And copy of order shown
to K.D. Saha
J.C. on 9/2/96


MPS.

6/14.2.1996

Hon'ble Mr. K.D.Saha, Member (A)

No one appears for the respondents. No

show-cause has been filed so far. List this case on 27.2.1996 before which date show-cause should be filed. Let a copy of this order be given to the learned counsel for the applicant. Stay to continue till the next date.


(K.D. Saha)
Member (A)

MPS.

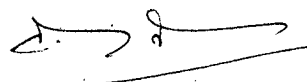
7

27.2.96

CM

Hon'ble Shri K.D.Saha, Member(A)

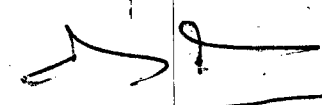
Adjourned to 19.4.96 for hearing.
Written statement to be filed before that date.
Stay to continue till then.


(K.D. Saha)
Member (A)

8./ 27.3.96.

Hon'ble Mr. K.D. Saha, Member (A)

Shri J.N. Pandey, sr. standing counsel for the respondents submits that W/S has been sent for verification and will be filed shortly. Two week's time as prayed for, is allowed. List this case on 18.4.96 for hearing. Stay to continue till then.


(K.D. Saha)
Member (A)

/CBS/

DA 15/96

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18.4.96

CM

Hon'ble Shri K.D. Saha, Member (A)

Counsel for the applicant .. ~~Not present.~~
Counsel for the respondents.. Shri J.N.Pandey.

Shri J.N.Pandey, Senior Standing Counsel appearing for the respondents, submits that written statement, which has been sent for verification, has still not been received back. He prays for a short adjournment to file written statement. The learned counsel for the applicant is not present. On behalf of the respondents, it is submitted that interim order as passed earlier restraining the respondents from evicting the applicant from the Government accommodation should be vacated. It is noted that a show cause on the question of stay matter has not yet been filed by the respondents. Respondents are directed to file their show cause with regard to continuance of the interim order. List this case on 30.5.96 for hearing on stay matter. Interim order to continue till the next date. Copy of the order be given to the learned counsel for the parties.


(K.D. Saha)
Member (A)

OA - 15/96

10./ 30.5.96.

Counsel for the applicant : Shri Amit Srivastava.

Counsel for the respondents : Shri J.N. Pandey.

Shri Amit Srivastava, the learned counsel for the applicant submits that the appeal has been filed but the same has not been disposed of so far. Shri J.N. Pandey, Sr. Standing Counsel for the respondents, however, submitted that he has no information regarding filing of the appeal and disposal thereof. In view of the fact that Shri Srivatsva has made statement at the bar that the appeal has been filed, let the order of stay be continued till the disposal of the OA.

2. Shri Amit Srivastava brought to my notice that other OA 14/96 is identical case in which stay has been allowed to continue. Let this case be clubbed together with OA ~~14~~ 14/96 for hearing. List this case before the Division Bench as and when the same is available.

3. Let copy of the order be given to the learned counsel for the parties.

N.K.V.
(N.K. Verma)
Member (A)

*Learned
Ram Prakash Pandey
11/7/96*

*10/05/96
was filed
filed by the
counsel of
applicant for
review of order*

*it may be
placed before
Honble Bench
on 20/5/96 for
consideration*

*and by the
JCS/1/1/96
So(2)
15/5/96*

MA - 215/96

11./ 20.9.96.

Shri Amit Srivastava, the counsel for the applicant.

Shri J.N. Pandey, Sr. Standing Counsel for the respondents.

Heard. Prayer has been made for amending ^{2 the OA} in order to add certain interim relief as mentioned in this application. Prayer is allowed. Amendment be carried out accordingly. MA is disposed of accordingly.

2. The applicant has also prayed for interim relief relating to restraining the respondents from evicting the applicant from quarters occupied by him till the disposal of the review application he has allegedly filed on 14.9.96. In our opinion it will be proper if the applicant is not evicted from the quarters occupied by him till disposal of the review petition filed by him on 14.9.96. We direct accordingly ⁱⁿ

3. Shri J.N. Pandey, the learned Sr. Standing Counsel states that he shall be filing written statement in the OA today. The learned counsel for the applicant shall be at liberty to file rejoinder, if any, within two weeks from now. List this case ~~on~~ (OA 15/96) on 14.11.96 for hearing. Let a copy of the order be given to both the parties.

(K.D. Saha)
Member (A)

(V.N. Mehrotra)
Vice-chairman

/CBS/

Written Statement
Filed on behalf
of the Respondents

31/10/96

Recd copy.
Ran Prasen Parman
on behalf of am
S. Kumar 21/11/96

Substantive copy kept
in file of
Wg

OA - 15/96

12./ 14.11.96. List it on 2.1.97 for hearing.

/CBS/

WNL
(V.N. Mehrotra)
Vice-chairman

13/02.01.97

Since DB is not available, the case is adjourned to 14.02.1997 for hearing.

SKJ

WNL
(V.N. Mehrotra)
Vice-Chairman

14/14.02.97

List on 22.04.1997 for admission.

WNL
(V.N. Mehrotra)
Vice-Chairman

15

22.4.97

List on 2.7.97 for admission.

WNL
(V.N. Mehrotra)
Vice-Chairman

DA-15/96

16/2.7.97

List on 25.8.97 for admission.

SKS

(V.N.Mehrotra)
Vice-Chairman

17/26.8.97

List on 24.10.97 for admission.

SKS

(V.N.Mehrotra)
Vice-Chairman

18./ 24.10.97. Shri Amit Srivastava, the counsel for the applicant.
Shri J.N. Pandey, Sr. Standing Counsel for the
Union of India respondents.

The learned counsel for the applicant states that
the order of compulsory retirement of the applicant, Shri
Jitendra Kumar has been set aside by the appellate authority.
He does not want to press this OA. He seeks permission to
withdraw the OA.

2. In view of the above statement, the applicant is
permitted to withdraw this OA. This OA is disposed of as
withdrawn.

/CBS/

(V.N. Mehrotra)
Vice-chairman