

④

14.4.1988

Shri K. G. Gawli, learned Counsel for the applicant, and Shri P. M. Pradhan, learned Counsel for respondents, present.

Shri Gawli submitted that the case of the applicant fell within the purview of the Allotment of Grant Residence (R & D Common Pool) Rules, 1973, according to which, the applicant would retain the quarters allotted to him for a period of 4 months from the date of his retirement. The applicant ^{is} ~~seems~~ ^{to} have superannuated on 31.12.1987.

Shri Pradhan opposes this submission of Shri Gawli, stating that the applicant was not governed by the said Rules, but was actually governed by the Allotment of residences (Defence School Accommodation) Rules, 1978.

Shri Gawli then requested for a short adjournment to obtain certain relevant circulars from the Ministry of Defence, to substantiate his contention.

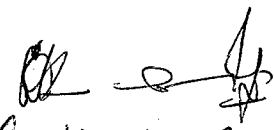
Shri Pradhan rightly did not oppose this request of Shri Gawli.

This request is, therefore, granted.

(6)

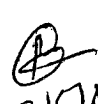
As the matter is rather complex ^{being a conflict between} ~~in two different~~
Rules cited by both sides,
I feel that this matter should
be placed before a Division
Bench to consider in the
first instance whether the
application deserves to be
admitted.

Post this case for
admission on 18/4/88.


(L. H. A. Rego)
Member (A)

18.4.1988

Order dt 18/4/88 served
on Applicant on 28/4/88
& R.O. on dt. nil.


2/5/88

hp
2/5

Order dt 18/4/88 served
on A.No. 3 on dt. nil ✓


2/5/88

hp
2/5

Heard Mr. Gawli, learned
advocate, for the applicant and
Mr. P. M. Pradhan, for the Respondents.

The relevant facts are
stated in ^{our} the order dt. 24.3.1988.
The applicant is willing to give
an undertaking that he will
vacate the quarters in his
possession on or before 1-6-1988.
Mr. Pradhan, stated that if
the applicant does not vacate
the quarters on or before that
date the respondents should be
given the liberty to take

Contd

(6)

Order dt. 18/4/88 served
on R.No. 2 on 26/4/88

8/5/88
10/5/88
15/5/88

possession of the quarters by taking the help of the Police, if necessary. Hence we admit the application and pass the following order:- The applicant shall give an undertaking today only that he will vacate the quarters in his possession viz:

Quarter No. III / QTR / P / 18 / 3 at Ahmednagar on or before 1st of

June, 1988. If the applicant gives an undertaking today as mentioned above the respondents shall not evict him from the quarters before 1.6.1988. If the applicant ~~does~~ does not vacate the quarters on or before 1.6.1988

then he will be liable ~~for~~ ^{to} ~~take~~ action for contempt of this Tribunal and respondents will be at liberty to evict him from the quarters by taking the help of the Police, if necessary.

With this direction the application is disposed of with no order as to costs.

M(J)

MD.

M(A)