

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

CAT/BOM/St.No.637/88

Mr.M.Gopalan,
136/4, Old 'H' Type Qtrs.,
Range Hills,
Pune - 411 020.

.. Applicant

vs.

1. The General Manager,
Ammunition Factory,
Kirkee, Pune - 3.
2. The Chairman,
Ord.Factory Board,
10,A Auckland Road,
Calcutta - 700 001.
3. The Estate Officer,
Ord.Range Hills Estate,
Kirkee
Pune - 3.

.. Respondents

Coram:Hon'ble Vice-Chairman Shri B.C.Gadgil

Hon'ble Member(A)Shri P.S.Chaudhuri

Appearances:

1. Shri Babu Marlapalle,
Advocate for the
applicant.
2. Shri J.D.Desai
(For Shri M.I.Sethna)
Advocate for the
respondents.

ORAL JUDGMENT

Date: 13-9-1988

(Per B.C.Gadgil,Vice-Chairman)

Heard Shri Babu Marlapalle,advocate
for the applicant and Shri J.D.Desai(for Shri M.I.
Sethna)advocate for the respondents.

The matter can be decided at the
admission stage as discussed below :-

The applicant is an Upper Division
Clerk in the Ammunition Factory,Kirkee, A depart-
mental enquiry was initiated against him. On 6-6-88
he was dismissed from service. He has preferred an
appeal on 29-6-1988. That appeal is not yet decided.

The applicant is in occupation of Govt. Quarters. The respondents have asked the applicant to vacate the quarters as the applicant has been dismissed from service. The applicant has filed the present application challenging the above mentioned dismissal order as also the apprehended eviction from the quarters. There are certain other reliefs prayed for in the application. But we need not mention all of them.

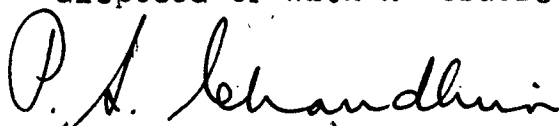
We think that it would be just and reasonable to pass the following order and it would meet the ends of justice:


The respondents are restrained from evicting the applicant from the quarters for a period of 15 days after the decision of the appeal. The rate of payment of rent from the date of dismissal would depend upon the decision of the appeal and if the appeal is decided against the applicant the applicant would be liable to pay enhanced rent and other charges according to the rules.

The respondents are directed to decide the appeal within a period of four months from today. It is needless to say that the appellate authority will give an opportunity of being heard and would pass a speaking order while deciding the appeal.

The applicant is at liberty to file a fresh application in case he fails to get an appropriate relief in that appeal. The applicant would also be at liberty to adjudicate the claim of subsistence allowance in case any need arises in that respect.

With these directions the application is disposed of with no orders as to costs.


(P.S. CHAUDHURI)
Member (A)


(B.C. GADGIL)
Vice-Chairman