

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Stamp No. 778/88

Shri A.Vasu
12/4 New 'H' Type
Range Hills
Pune 411 020.

... Applicant

V/S.

1. The General Manager
Ammunition Factory
Kirkee, Pune-3.
2. The Chairman
Ordnance Factory Board
10 A Auckland Road
Calcutta 700 001.
3. The Estate Officer
Ord.Range Hills Estate
Kirkee, Pune 411 003.

... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances :

Shri Babu Marlapalle
Advocate
for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 21.11.1988

(PER: M.B.Mujumdar, Member(J))

Heard Mr.Babu Marlapalle, learned advocate for the applicant and Mr.R.K.Shetty, learned advocate for the respondents.

2. We are disposing of this case at the admission stage itself as we have done in Stamp No. 637/88. A joint enquiry was held against the applicant, Shri A. Vasu, UDC (Stores), Ammunition Factory, Kirkee, Pune and one Mr.M.Gopalan, another UDC in the same stores.

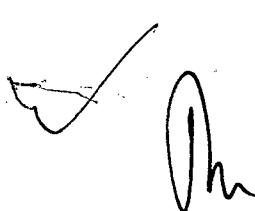
The Enquiry Officer held both of them guilty by the report dated 11.7.1987. The Disciplinary Authority by order dated 6.6.1988 dismissed Gopalan from service and removed ^{the} present applicant, Vasu, from service w.e.f. the same date. The applicant has preferred an appeal dated 21.6.1988 and that appeal is still pending.

However, by order dated 1.9.1988 under Section 5 (1) of the Public Premises (Eviction of unauthorised occupants) Act, 1978, the applicant is asked to vacate the Government quarters in his possession within 15 days from the date of publication of the order. The applicant has preferred an appeal against that order in the court of Joint District Judge, Pune. But Mr. Marlapalle stated that when the appeal had come before the Joint District Judge, he gave an undertaking that the appeal will be withdrawn after some interim relief is granted by this Tribunal. On 5.11.1988 the applicant has filed the present application challenging the order dated 6.6.1988 by which he was removed from service as well as the order of eviction passed on 1.9.1988.

3. Shri Gopalan had also preferred an appeal against the order of dismissal from service on 29.6.1988. Though his appeal was not decided he rushed to this Tribunal by filing St.No. 637/88 on 13.9.1988. His application was disposed of by the Bench comprising of Shri B.C.Gadgil, Vice-Chairman and Shri P.S.Chaudhuri, Member (A). We are disposing of the present application also on the same lines.

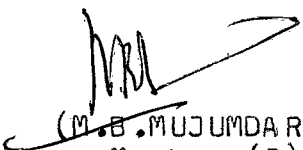
4. We, therefore, pass the following order.


- (i) The respondents are directed to decide the appeal preferred by the applicant on 21.6.1988.



as far as possible, within a period of four months from the date of receipt of a copy of this order.

- (ii) Needless to point out that the appellate authority shall give an opportunity of being heard to the applicant and dispose of the appeal by passing a speaking and reasonable order.
- (iii) The respondents shall not evict the applicant from the Government Quarters in his occupation upto a period of 15 days from the decision of the appeal. The rate of rent from the date of removal from service will depend upon the decision of the appeal. If the appeal is decided against the applicant, the applicant would be liable to pay enhanced rent and other charges according to rules.
- (iv) The applicant will be at liberty to file a fresh application in case the result of the appeal goes against him. Of course, he shall have to file that application after exhausting all the departmental remedies available to him.
- (v) The application is disposed of as above with no orders as to costs.


(M.B. MUJUMDAR)
Member (J)


(P.S. CHAUDHURI)
Member (A)