

(8)

Tribunal's Order

Dated: 20.11.1989

The applicant in person. Mr. R.C.Kotiankar for Mr. M.I.Sethna on behalf of Respondents No. 3 & 4 and Mr. Bende for Mr.P.M.Pradhan for Respondents No. 1 & 2.

2. Mr. Bende has already filed the reply of Respondents No. 1 & 2 in the Tribunal on 15.11.1989 and he has also given a copy today in the Tribunal to the applicant who is present.

3. The respondents state that the representation of the applicant for retransfer back to Nagpur has already been decided and rejected by order dated 8.4.1989 of the Competent Authority. Respondents state that the applicant was orally informed about this position in April 1989 itself and a letter dtd. 21.8.89 in this regard is also given to the applicant which he has acknowledged on 31.8.1989.

4. In Tribunal's order dated 4.7.1989 it has been specifically mentioned that "Mr. Marlapalle fairly conceded that he had no case for continued retention of the quarter had his application for retransfer to Ambajhari been decided against him before the issue of the impugned eviction order dtd. 14.6.1989". In view of this statement and since his representation for retransfer has already been rejected by the Competent Authority, there is no justification for continuing the stay order granted in this Tribunal's order dated 4.7.1989. The stay order is, accordingly, vacated. The applicant should, however, be charged normal rent upto 31.8.1989 for the quarter. The rent after that date can be in accordance with the rules.

5. Keep the case for final hearing on 13.12.1989.


(M.Y. PRIOLKAR)
MEMBER (A)

(9)

Dated: 13-12-1989.

order dt 13-12-89
 Served on Reg No. 7
 on dt 8-1-90
 N.M.
 12-1-90

order dt 13-12-89
 Served on Applicant
 on dt 8-1-90,
 Reg No. 2 & 3 on dt
 N.M.
 15-1-90

order dt 13-12-89
 Served on Reg No. 3
 on dt 10-1-90
 N.M.
 16-1-90

This application was filed on 26-6-1989 under section 19 of the Administrative Tribunals Act, 1985. In it the applicant has made two prayers. The first is that order dated 14-6-1989 by which he is required to vacate ~~the~~ Govt. Quarter No. 5/56/1, Type II, ground floor at Ordnance Establishment, Ambajhari, Nagpur be quashed and set aside. The second is for directions to decide his pending application for re-transfer within a reasonable time taking into consideration all the relative facts.

2. In terms of this Tribunals' Chairman's order dated 21-3-1988 both the above mentioned prayers came within the jurisdiction of a Bench consisting of ~~Single~~ Member. I have accordingly proceeded to here and decide this case. //^{3.} The respondents have opposed the application by filing their written reply.

34. When it was called ^{out} for final hearing today none was present for the applicant. Mr. V. M. Bendre, holding the brief of Mr. P. M. Pradhan, learned advocate for the respondents No. 1 and 2 and Mr. R. C. Kotiankar

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holding the brief of Mr. M. I. Sethna, learned advocate for respondents No. 3 & 4 were, however, present.

¶ 5. In view of this position, the application is dismissed for default. All interim orders passed earlier are hereby vacated. In the circumstances of the case there will be no order as to costs.

P. S. Chaudhuri
(P. S. Chaudhuri)
Member (A).