

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

Review Petition No.125/96
in
Original Application No.826/96.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

1. Ramji Singh
2. Hariprasad B.
3. Virendra Kumar Singh
4. G.C.Sisodia,
C/o.G.S.Walia,
Advocate, High Court,
16, Maharashtra Bhavan,
Bora Masjid Street,
Fort, Mumbai - 400 001. ... Applicants.

V/s.

V.P.S.Rastogi. ... Respondent.

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri B.S.Hegde, Member(J)) Dt. 9.1.1997.

It is noticed that the application was filed by one V.P.S.Rastogi. The applicant superannuated on 31.7.1994. A charge sheet was issued against the applicant in the year 1993 by which disciplinary proceedings were initiated against him. Since the applicant had not received pensionary benefits the Tribunal directed the Respondents to complete the inquiry within a period of four months from the date of receipt of the order. Since the applicant was in possession of the Quarter and the inquiry was taking time, it was further directed not to evict the applicant from the Quarter till the inquiry proceedings are completed. At the same time they were allowed to take necessary action pursuant to

the completion of the proceedings under the P.P.Act in terms of law. The O.A. was disposed without the reply of the respondents.

2. The Review Petition appears to have/ filed by four employees who claim to be affected on the ground that if the applicant is allowed to retain the Quarters for uncertain and indefinite period it would badly prejudice their interest since they have been waiting for the allotment of Railway Quarter for the last 10 years. Hence they submit that there is an error apparent on the face of the record. The Review Petitioners are not a party to the original application which has been disposed of vide Tribunal's Order dt. 28.10.1996 and the O.A. was disposed of before the Respondents had filed their reply. As of to day it is not known whether the respondents have completed the inquiry proceedings against the applicant and taken any action against the applicant. While disposing of the O.A. what was intended was, since the inquiry was not completed by the Respondents, till the completion of the inquiry the applicant may be allowed to continue in the Quarters, but the respondents were allowed to complete the/^{P.P.Act} process in accordance with law. Although it is well meaning, the Review Petition filed by the Petitioners here is not tenable and is not sustainable. The application filed by the Review Petitioner is nothing but a public interest litigation which is not to be entertained by the Tribunal. However, our order needs clarification. It was directed that the

applicant should not be evicted from the Quarters till the inquiry proceedings are ~~not~~ completed, at the same time they were allowed to complete the proceedings under the P.P. Act in terms of the law. Since the applicant has superannuated from the service on 31.7.1994, the question of continuation in the Quarter till the completion of the inquiry proceedings which may take longer than four months is not warranted. Hence it is clarified that Respondents are at liberty to pass appropriate order to get the applicant evicted from the Quarter as per law especially if the inquiry proceedings take longer than four months.

3. For the reasons stated above, the Review Petition is not tenable and the same is dismissed by circulation, but it is directed that a copy of this order clarifying our earlier order may be sent to the parties to the O.A. 826/96.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

B.S.Hegde

(B.S.HEGDE)
MEMBER (J)

B.