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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: **394/94**

Transfer Application No:

DATE OF DECISION: **3.6.1994**

Shri R.M.P.Verma

Petitioner

Shri G.S.Walia

Advocate for the Petitioners

Versus

Union of India & Ors.

-----Respondent

Shri J.G.Sawant


Advocate for the Respondent(s)


CORAM :

The Hon'ble Shri **B.S.Hegde**, Member (J)

The Hon'ble Shri **M.R.Kolhatkar**, Member (A)

1. To be referred to the Reporter or not ? X
2. Whether it needs to be circulated to other Benches of the Tribunal ? X


(M.R.KOLHATKAR)
MEMBER (A)


(B.S.HEGDE)
MEMBER (J)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

DA.NO. 394/94

Shri R.M.P.Verma

... Applicant

V/S.

Union of India & Ors.

... Respondents

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

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 3.6.1994

(PER: B.S.Hegde, Member (J))

Heard the arguments of both the counsels.

Pursuant to the orders passed by this Tribunal on 4.4.1994 the applicant has filed a revision petition to the President on 28.4.1994 which has been received by the competent authority on 4.5.1994.

2. In the last order the learned counsel for the applicant was directed to challenge the order of disciplinary authority dated 7.3.1994. Learned counsel for the applicant further submits that at this stage no useful purpose will be served. In the circumstances, it is directed that since he has already filed the revision application question of any amendment application does not arise.

3. During the course of hearing the learned counsel for the applicant draws our attention to Full Bench decision of the Tribunal in D.N.Singh & Ors. vs. Union of India & Ors.

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wherein continuance of a quarter the Full Bench has observed "In several cases where public servants are removed or dismissed from service, when those orders are challenged before the Appellate Authorities or before the Tribunal, they are being allowed to retain the quarters until the appeals are disposed of by the Appellate Authority and until the applications are disposed of by this Tribunal. Unless such an order is made, applicants would be exposed to great hardship. It would also be difficult to secure allotment of quarters even if their appeals are allowed. In the circumstances, the respondents are directed to allow the petitioners to retain their quarters, of course, subject to payment of such rent as was paid by them before their dismissal from service."

4. In the light of the above, the learned counsel for the applicant submits that he should be allowed to retain the quarter subject to payment of normal rent till the revision petition is disposed of and further period of 15 days thereafter. In case the revision petition is allowed, he is required to pay normal rent otherwise he shall have to pay rent as per rules.

5. In the facts and circumstances of the case, the respondents are directed to dispose of the revision petition within six months from the date of receipt of this order.

6. Subject to the above, the OA. is disposed of.

M R Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

B.S. Hegde

(B.S.HEGDE)
MEMBER (J)