

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.4600/2015
WITH
O.A. No.461/2016

This the 27th day of September, 2016

Hon'ble Shri P.K. Basu, Member (A)

OA No.4600/2015

Rohit Sarawat
SI (Ex.) in Delhi Police, PIS No. 16090173
Aged about 30 years
S/o Retd. Insp. Surender Kumar (Sand)
R/o Quarter No.225, Type-II
PC Ashok Vihar, New Delhi. ..Applicant

(By Advocate: Shri Anil Singal through proxy counsel(name not given))

Versus

1. Govt. of NCT of Delhi
Through Commissioner of Police
PHQ, IP Estate, New Delhi.
2. Deputy Commissioner of Police
General Administration
PHQ, IP Estate, New Delhi. ...Respondents

(By Advocate: Shri K M Singh)

OA No.461/2016

1. Ct. Mohd. Irshad
S/o (Retd. H.C.) Ajab Khan
PIS No. 28094463
No.-2607/O.D. DCP Office
Outer District
Pushpanjali, Pitam Pura, Delhi.
2. Retd. HC Ajab Khan
S/o Late Hurmat Khan
Both Residents of:
R/o Quarter No.-218
Police Colony, Ashok Vihar
Delhi-110052. ..Applicants

(By Advocate: Shri Rakesh Nautiyal)

Versus

1. Commissioner of Police
Police Headquarters, I P Estate
MSO Building, New Delhi.
2. Deputy Commissioner of Police
General Administration
Police Headquarters, Delhi. ...Respondents

(By Advocate: Shri K M Singh)

O R D E R (ORAL)

Heard both OAs together.

2. The brief background of these connected cases is that both Shri Ajab Khan, Head Constable (applicant No.2 in OA No. 461/2016) who is father of Ct. Mohd. Irshad (applicant No.1 in the same OA), and Shri Rohit Sarawat (applicant in OA No.4600/15), SI(Ex.) had created some unpleasantness between themselves being neighbours in the Govt. colony. The matter came up before the Commissioner of Police, Delhi and he took a decision vide order dated 11.11.2013 that "instead of cancelling, both be shifted out of the present locality and their new accommodation should be at least 6 kms apart". Both of them approached this Tribunal in OA No.3680/2013 and OA No. 3574/2013 and this Tribunal disposed of the matter on 01.09.2015, directing that the Commissioner may go ahead and implement his decision. Thereafter, the impugned orders dated 07.10.2015 (Annexure-A) was issued and Shri Ajab Khan was allotted Govt. Quarter No. 54-B (Ground Floor), Type-II,

PC Model Town and Quarter No.B-9 (Ground Floor), Type-II, PS Sarai Rohilla to Shri Rohit Sarawat.

3. The present OAs are filed seeking quashing and setting aside of the orders dated 07.10.2015. Vide interim order dated 17.12.2015, this Tribunal stayed implementation of the said order in OA No. 4600/2015.

4. Proxy counsel for Shri Anil Singal, counsel for applicant appears on behalf of the applicant in OA No.4600/2015 and requested for adjournment in the matter. None appeared on behalf of the applicant in OA No.461/2015. However, learned counsel for the respondents stated that as a result of the stay in OA No. 4600/2015, the department is not able to utilize the quarters, which have been allotted to them, nor are the quarters being vacated by the applicants in both OAs, which is causing loss to the department. Moreover, it is also seen that in OA No.4600/2015 none has appeared on behalf of the applicant on 04.01.2006, 18.04.2016, 31.05.2016 and represented by proxy counsel on 16.03.2016. Similarly, in OA No.461/2016, learned counsel for applicant has not appeared on 31.05.2016 and 15.09.2016. Therefore, the matter was taken up for final disposal today. Needless to add, the interim relief granted is operating in the applicants' favour.

5. This Tribunal vide order dated 01.09.2015 in OA No.3680/2013 with OA No.3574/2013 gave direction to the

Commissioner of Police to implement his order dated 11.11.2013. In the earlier OAs, the applicants had approached this Tribunal to allow them to continue in their existing residence and after considering their prayers, the Tribunal gave a specific finding that the Commissioner of Police may implement his order. The grounds cited by the applicants are not substantive and do not allege violation of any law/rule by the Commissioner of Police while passing the order dated 07.10.2015. Therefore, in my view these litigations are absolutely frivolous and only an attempt to continue staying in the old quarters. Accordingly, both these OAs are dismissed and the applicants are imposed cost of Rs.10,000/- (Rupees Ten Thousand only) each to be paid to the respondents, within a period of thirty days from the date of receipt of a certified copy of this order.

(P.K. Basu)
Member (A)

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