

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.718 of 2017

DATED THIS WEDNESDAY, THE 07TH FEBRUARY, 2018

CORAM : HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Pravin Kumar Bansal,

Vice President of the Income Tax Appellate Tribunal, Mumbai

Having his office at Income Tax Appellate Tribunal,

4th Floor, Pratishtha Bhavan, M.K. Road,

Mumbai 400 020.

R/a. B/97, Sector 27,

Noida, 201 301, U.P.

- Applicant

(By Advocate Ms. Swapna V. Gokhale)

VERSUS

1. Union of India, Through the Secretary,
Ministry of Law & Justice,
Having his office at Aaykar Bhavan,
M.K. Road, Mumbai 400 020.

2. The Estate Manager,
Ministry of Housing and Urban Affairs,
Government of India, 3rd Floor,
Old C.G.O. Bldg. Annexe,
101, M.K. Road, Mumbai 400 020.

3. Directorate of Estates,
Ministry of Housing and Urban Affairs,
Government of India, Nirman Bhavan,
New Delhi 110 108.

- Respondents

(By Advocate Ms. Vaishali Choudhari)

ORDER (ORAL)

When the matter is called out, heard Ms. Swapna V. Gokhale, learned Advocate for the applicant and Ms. Vaishali Choudhari, learned Advocate for the respondents. I have carefully perused the case record.

2. In this OA, the applicant who was working as Vice President of Income Tax Appellate Tribunal, Mumbai Bench has sought the following reliefs :-

“8(a).That after examining the legality and validity of the impugned order, this Honourable Tribunal be graciously pleased to set aside & quash the communication dated 27th October, 2017 issued by the Respondents.

(b) That this Hon'ble Tribunal may be pleased to hold that the Central Government GPRA Rules 2017 issued on 19th June 2017 applies only to those applications made on or after 19th June, 2017;

(c) That this Hon'ble Tribunal be pleased to hold that the Central Government GPRA Rules 2017 issued on 19th June 2017 applies only to those applications wherein from the date of issuance of the said rules and the date of superannuation is less than six months;

(d) That this Hon'ble Tribunal be pleased to hold that the Applicant is entitled to the allotted accommodation and further direct the Respondents to hand over the possession of the allotted accommodation;

(e) That the Hon'ble Tribunal may please be direct the Respondents to forthwith withdraw and cancel the communication dated

27th October 2017 issued by the Respondents and further direct the Respondents to hand over the possession of the allotted accommodation to the Petitioner;

(f) That pending the hearing and final disposal of the present OA, the Applicant be permitted to occupy the allotted accommodation being Quarter No.11, 6th Floor, Belvedere, B.D. Road, Mumbai up to the date of his superannuation, i.e. 9th January, 2018;

(g) That Pending the hearing and final disposal of the present Petition, to stay the operation and implementation of the impugned communication dated 27.10.2017.

(h) That pending the hearing and final disposal of the present OA, the Respondents be directed not to allot the accommodation allotted to the applicant being Quarter No.11, 6th Floor, Belvedere, B.D. Road, Mumbai to any other person/s;

(i) That ad interim and interim relief in terms of prayer clause (f), (g) & (h) be granted;

(j) That the Respondents be directed to pay the costs of this petition.

(k) That this Hon'ble Tribunal may be pleased to grant such other and further reliefs as this Hon'ble Court may deem fit and proper."

3. Interim relief is also sought and this Tribunal while issuing notice to the respondents on 27.11.2017 has granted the interim relief in terms of the paragraph No.9(a) to (c). It is reproduced below for ready reference :-

"9(a) That pending the hearing and final disposal of the present OA, the Applicant be permitted to occupy the allotted accommodation being Quarter No.11, 6th Floor, Belvedere, B.D.

Road, Mumbai up to the date of his superannuation, i.e. 9th January, 2018;

(b) That Pending the hearing and final disposal of the present Petition, to stay the operation and implementation of the impugned communication dated 27.10.2017.

(c) That pending the hearing and final disposal of the present OA, the Respondents be directed not to allot the accommodation allotted to the applicant being, Quarter No.11, 6th Floor, Belvedere, B.D. Road, Mumbai to any other person/s;

(d) That ad interim and interim relief in terms of prayer clause (f), (g) & (h) be granted.”

4. Today the learned Advocate for the applicant submitted that the applicant stands retired on superannuation on 09.01.2018 and as per the interim order the respondents permitted him to occupy Flat No.11 in Belvedere Building, which was previously allotted to him but he was not allowed to occupy it on the ground that six months only were left for his retirement.

5. In view of the subsequent development which occurred during pendency of this OA, nothing survives in this OA. The OA, therefore, now does not sustain. Consequently, the interim order also automatically stands vacated.

6. However, the respondents may

permit the applicant to continue occupation in the same flat allotted to him earlier, as per the rules for a further period on his retirement, if the applicant so desires and if any such written request is made by him to the respondents which shall be considered in accordance with law.

7. The OA stands disposed of as infructuous, without there being any order as to payment of costs.

8. Registry is directed to forward certified copy of this order to both the learned Advocates for the parties at the earliest.

(Arvind J. Rohee)
Member (Judicial)

*kmg**