

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.918/2003

Wednesday, this the 9th day of April, 2003

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Shri A.K. Bamezai,
S/o Late Shri J.N. Bamezai,
24-X, Chitragupta Road,
New Delhi - 110 055

..... Applicant
(By Advocate : Shri L.C. Goyal & Shri Arun Bhardwaj)

Versus

1. Union of India,
(through the Secretary)
Ministry of Urban Development,
Government of India,
Nirman Bhawan,
New Delhi - 110 011
~
2. The Secretary,
Ministry of Surface Transport,
B.R.D.B., Sena Bhawan,
New Delhi - 110011
~
3. The Director,
Directorate of Estates,
Nirman Bhawan,
New Delhi - 110011

... Respondents

O R D E R (Oral)

By Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J):

This application has been filed by an Ex-Officer
- Office Superintendent in the Ministry of Surface
Transport.

2. We have heard S/Shri Arun Bhardwaj and L.C. Goyal, learned counsel for the party. We find that the applicant had earlier filed OA No.3370/2002, which has been disposed of by Tribunal's order dated 27.12.2002. Subsequently the applicant has filed a Suit No.29/2002

before the Learned Additional District Judge, who has disposed of the same by order dated 30.12.2002. The relevant portion of the order dated 30.12.2002 reads as under:

"Accordingly the appeal is dismissed as withdrawn, but the eviction order dt. 11.12.02 passed by Shri V.K. Paul, Estate Officer in r/o premises No.24-X, Chitragupta Road, will not be executed upto the 30/4/2003.

The undertaking of the appellant is accepted and in case he does not vacate the premises on or 30.4.2003 then he is also liable for the contempt proceedings. However, the appellant is at liberty to file any representation if any, before the competent authority. Copy of order be given dasti, thereafter file be considered to record room."

3. Learned counsel for the applicant have argued that the applicant, in pursuance of the aforesaid order of the Learned Additional District Judge, has made not one but several representations to the competent authority/officials of the Government of India for favourable consideration and also relying on certain judgements of the Supreme Court, which are annexed with the OA. The applicant is aggrieved, as the competent authority has not taken any decision on his representations till date and hence, this application has been filed on 7.4.2003. One of the main directions sought for by the applicant is to decide his representation dated 27.1.2003 either independently or in consultation with the Cabinet Committee of Allotment regarding retention of the Govt. accommodation which was earlier allotted to him while in service, i.e. Quarter No.24-X, Chitragupta Road, New Delhi-110055. The applicant has retired from Government service on 31 July, 2001.

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(3)

4. Taking into account the aforesaid orders of the Tribunal as well as of the Learned Addl. District Judge dated 30.12.2002, we find that this OA is not maintainable. OA is accordingly dismissed.

(Govindan S. Tampi)
Member (A)

pkr/

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)