

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Dated: This the 17th day of October 2019

Original Application No. 330/01072 of 2019

Hon'ble Mr. Justice Bharat Bhushan, Member – J

Smt. Lalita Devi, Wife of late Ramashray, R/o House No. G-2/338, Armapur state, Kanpur Nagar, District – Kanpur Nagar.

.....Applicant

By Adv: Shri Anil Kumar Srivastava and Shri R.K. Dixit

V E R S U S

1. Union of India through its Secretary, Department of Defence Production, Ministry of Defence, Government of India, New Delhi – 110001.
2. The General Manager, Small Arms Factory, Kapli Road, Kanpur – 208009.
3. State officer Armapur, State Kanpur, Small Arms Factory – Kapi Kanpur.
4. D.G.O.F. / Chairman, Indian Ordnance Factory, 10-A, S.K. Bose Road, Kolkata – 700001.

.....Respondents

By Adv : Shri L.P. Tiwari

O R D E R

Heard Shri R.K. Dixit, learned counsel for the applicant and Shri L.P. Tiwari, learned counsel for the respondents.

2. It appears that the husband of the applicant was employee of the respondent department, who died suddenly on 16.04.2015 and after the death of her husband she continued living in the house allotted by the department to her late husband. The department tried to get it vacated, but she did not vacate it. Therefore the department has now passed the order dated 01.10.2019 whereby he was again being asked to vacate the Government accommodation on 19.10.2019.

3. Learned counsel for the applicant states that the applicant has made several representations and despite the order of this Tribunal dated

13.09.2017 passed in OA No. 1096/17 and, thereafter, order of this Tribunal dated 01.12.2017 passed in OA No. 1393/17 the respondent department has not yet decided her any representations. She again filed another representation dated 10.10.2019 on behalf of her son and now she wants that her representation should be decided by passing reasoned and speaking order, by the department and vacation order dated 01.10.2019 should be stayed.

4. As far as the question of representation dated 10.10.2019 is concerned, this Tribunal has passed two orders and finally third OA has been filed on the same ground. It is strange that the applicant has not filed any Execution or Contempt Petition earlier when her representations were not decided. In any case there is no harm, if the department is directed to decide her representation dated 10.10.2019 (Annexure A-9) by passing reasoned and speaking order within a stipulated period of time.

5. In view of the above submission made by the applicant's counsel, I direct the competent authority amongst the respondents to consider and decide the representation of the applicant dated 10.10.2019 (Annexure A-9) by passing reasoned and speaking order within a period of 02 months from the date of receipt of a certified copy of this order and communicate the outcome of the same to the applicant.

6. **However, it is made clear that this Tribunal is not staying the order dated 01.10.2019 and the department is free to get residential property vacated.**

7. In view of the above direction the OA is disposed of. No costs.

(Justice Bharat Bhushan)
Member – J

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