

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

R.A.211/1994 in O A 210/94

New Delhi, This the 10th Day of JUNE 1994

25

Hon'ble Shri J P Sharma, Member(J)

1. Bishamber Lal  
S/o Pooran Chand  
Aged 62 years  
Ex Fitter Loco Shed  
Sarai Rohilla Delhi.  
  
Resident of  
L-36 N, Loco Colony  
Delhi Sarai Rohilla  
Delhi.
2. Khushi Ram  
S/o Sh Bishamber Lal aged 44 years  
Wash Out Khalasi  
  
Resident of  
L-36, Loco Colony  
Delhi Sarai Rohilla  
Delhi-7.

...Applicants

By Shri R K Relan, Advocate

Versus

Union of India, Through

1. General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
Bikaner
3. The Estate Officer  
Northern Railway  
Bikaner.
4. The Loco Foreman  
Northern Railway  
Loco Shed  
Delhi Sarai Rohilla  
Delhi -7.

...Respondents

BY Circulation

ORDER

Hon'ble Shri J P Sharma, Member(J)

1. <sup>This</sup> review application is filed against the order dated 10.5.94 whereby an interim direction by the order dated 13.1.94 was vacated after hearing the parties. Firstly no review lies

against the aforesaid order because it is not a final order and the interim relief which has been accorded after considering the merits on hearing both the parties.

2. Even then the averments made in the review application has been considered and they do not make out any case for review of the order.

3. Applicant No.1 Shri Bishamber Lal was granted pre mature retirement with effect from 31.1.86.

He was in occupation of Railway Quarter No.

L 36 N Loco Colony Sarai Rohilla, Delhi.

The interim granted to the applicant was that he should not be vacated from the aforesaid quarter.

The applicant has been in continuous unauthorised occupation of the quarter since 1 Feb 1986. The

applicant was ordered to be vacated by the order dated 30 -11-92 passed by the competent authority

under Public Premises (Eviction of unauthorised occupants) Act 1971. The applicant has assailed

the order before the District Court and the

appeal was dismissed by the order dated 2-11-93

(with regard to eviction his appeal was dismissed)

and regarding damages the matter was remitted to

the Estate Officer. The applicant's counsel

has also given an undertaking that his son will

withdraw all the litigations against Railways.

Thus the applicant has no case for grant of

ad interim injunctions. Reliance was placed

on the circulate of the Railway Board dated 4.6.83

a copy of which is Annexed as RI to the short reply

filed by the respondents. When the applicant has

no prima facie case then he cannot be granted ad interim

injunction. The case is yet to be decided. There is

no error apparent on the face of the order. Hence the

RA is devoid of any merit and is dismissed. No costs.