

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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

New Delhi, This the low 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. This 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. (26)

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 seply 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.