

Central Administrative Tribunal
Principal Bench, New Delhi.

O. A. No. 2076/95
M. A. No. 726/96

New Delhi this the 16th Day of April, 1996.

Hon'ble Mr. B. K. Singh, Member (A)

Sh. Ghulam Sabir,
S/o late Sh. Rizwan Khan,
C-249, Minto Road Complex,
New Delhi-110002.

Applicant

(through Sh. Asrar Ahmed, advocate)

versus

1. Union of India, through
the Director of Estates,
Ministry of Urban Development,
Govt. of India, Nirman Bhawan,
New Delhi.
2. The Director General,
All India Radio Broadcasting House,
Parliament Street,
New Delhi.

3. Shri P. M. Misra,
Estate Officer,
Directorate of Estates,
Nirman Bhawan,
New Delhi.

Respondents.

(through Sh. M. K. Gupta, advocate)

ORDER (ORAL)

delivered by Hon'ble Sh. B. K. Singh, Member (A)

In view of the latest judgement of the Hon'ble Supreme Court in case of Life Insurance Corporation of India Vs. Shiva Prasad Tripathi & Ors. (1996(1)SCALE Page 541), the Courts/Tribunals are totally barred from granting any injunction/stay order after eviction orders have been passed by the Estate Officer/Appellate Authority. They have said that Section 10 is supplemental to the other sections and has to be read together with all other sections.

A suit for injunction to negate the orders of

authorities, namely, Estate Officer/Appellate Authority under the statute stood barred under Section 10. The legislative mandate was that the court by an order cannot obstruct the execution of the orders passed by the Estate Officer and the appellate authority. This being so, the interim order passed on 15.4.96 is vacated. While this order was being dictated, the learned counsel for the respondents stated that the above mentioned ruling of the Hon'ble Supreme Court has superceded all the Division Bench/ Full Bench rulings of the Tribunal. At this stage, the learned counsel for the applicant states that he would like to withdraw the application with liberty to agitate his grievance in the competent forum. The A.O.A./MA-726/96, are therefore, dismissed as withdrawn with liberty as prayed for.


(B. K. Singh)
Member (A)

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