

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 449/97

New Delhi, this the 17th day of July, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S. P. Biswas, Member (A)

1. Parvez Naqvi s/o M.H.Naqvi,  
working as C.I.(Motor Mechanic Instructor)  
Arab Ki Sarai, Nizamuddin,  
New Delhi.

2. M.H.Naqvi, Retd. Principal,  
R/o 68/D, Thompson Road,  
New Delhi.

...Applicants

(By Advocate: Shri H.K.Gangwani)

Versus

1. Union of India through  
Secretary,  
Min. of Housing and Urban Development,  
Nirman Bhawan,  
New Delhi.

2. Director of Estates,  
Directorate of Estate,  
Nirman Bhawan,  
New Delhi.

3. The Estate Officer,  
Dte. of Estate (Litigation)  
Nirman Bhawan,  
New Delhi.

4. The Secretary,  
Delhi Administration,  
5, Shamnath Marg,  
New Delhi.

...Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)  
[Dr. Jose P. Verghese, Vice-Chairman (J)]

This OA has been filed challenging two orders one dated 1.8.1996 stated to be the order of eviction duly passed under the relevant provisions of the Act. We are told that the Act provides remedy of appeal which being statutory, and no appeal has been preferred before the authority prescribed under the Act. We are unable to

grant any relief in this regard. The second order challenged in this OA is 13.1.1997 at page 10 of the paper book, on the perusal of this order, we find that it is only a notice for the petitioner to appear in person. In case the petitioner does not want to appear, he is at liberty to decide for himself. We do not want to interfere in the discretion of the petitioner to appear or not to appear.

Learned counsel for the petitioner says that this petition may be permitted to be withdrawn to approach the statutory authority for appeal and the petitioner may be protected in the meantime. Respondents' counsel has no objection to hold <sup>to</sup> eviction proceedings for a week to enable him to approach the statutory authority.

With the above observations/directions, this OA is disposed of with no order as to costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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