

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2248/94

New Delhi this the 12th Day of January, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

1. Mahender Ram  
S/o Sh. M. Ram  
R/o S-193/10, Manoranjan Sadan,  
Railway Colony Safdarjung,  
New Delhi.

2. Moti Lal,  
S/o Sh. Sukhai  
R/o S-193/9, Manoranjan Sadan,  
Railway Colony Safdarjung,  
New Delhi.

...Applicants

(By Advocate Sh. D.P. Avnashi, though none appeared)

Versus

1. Union of India through:  
The General Manager,  
Northern Railway Headquarters,  
Baroda House, New Delhi.

2. Divisional Railway Manager,  
Northern Railway,  
Paharganj,  
New Delhi Railway Station,  
New Delhi.

3. Asstt. Engineer,  
Northern Railway,  
Hazarat Nizamuddin,  
New Delhi.

...Respondents

(By Advocate Sh. N.K. Aggarwal)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

We have seen the O.A. The two applicants state that they were working as Class IV employees under the third respondent - Assistant Engineer. It is admitted by them that they have constructed jhuggies of a permanent nature in the Railway Colony on Railway land. It is alleged that the respondents never raised any objection to this. It is also alleged that the respondents were recovering licence fee from

*W*

them. The immediate cause of action is that the subordinate of the respondents have threatened the applicants on 16.10.94 and started damaging the jhuggies.

2. The applicants have made the following prayers:-

i) to restrain the respondents and their subordinates from damaging/demolishing the Pakka Jhuggi No.S-193/9 & S-193/10, Railway Colony, Sarojini Nagar, New Delhi.

ii) to quash and set aside the oral order of the subordinates of the respondents dated 16.10.1994, and further direct the respondents not to dispose of the applicants from the above said jhuggies till the alternative accommodation is allotted by the respondents."

3. We have heard the learned counsel for the respondents, who draws our attention to the facts mentioned above. *None was present for the applicants*

4. The removal of jhuggies put up by the applicants on Railway land give rise to a civil claim. But that is not a service matter in regard to which we have jurisdiction. Accordingly this application is not maintainable. Let it be returned to the applicant by the Registry.

*A. Vedavalli*  
(Dr. A. Vedavalli)  
Member(J)

'Sanju'

*N.V. Krishnan*  
12.1.85  
(N.V. Krishnan)  
Vice-Chairman(A)