

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2369/94

New Delhi this 16th day of February, 1995

Hon'ble Shri P.T.Thiruvengadamn, Member(A)

Shri Mot Ram Balmiki
S/o Shri Parbnhati
r/o IV/585,
R.K.Puram
New Delhi.

Applicant

(None for the applicant)

Vs.

U.O.I. through

1. The Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi.

2. The Director of Estates
Nirman Bhawan
New Delhi

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

Respondents

(By Shri B.Lall, Advocate)

O R D E R (Oral)

The applicant retired from Government service w.e.f. 31.8.1993 and the respondents allowed four months time for retention of accommodation. Thereafter, an order was passed for eviction, which was challenged by the applicant under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 before the Civil Court. The applicant gave solemn undertaking that he would vacate the public premises by "31.11.1994". He sought further

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extension from the same Civil Court which was rejected. The applicant then filed this OA on 30.11.1994. Interim relief sought to the effect that the applicant should not be evicted was not granted. The prayer in this OA is that the applicant should not be evicted.

2. On the last date of hearing, namely 24.1.95 the applicant was not represented and an opportunity was given to file rejoinder by 16.2.1995. Today again when the case came up, none appears on behalf of the applicant. However, based on the available records and the submission by the learned counsel for the respondents, I am disposing of this OA at the admission stage itself.

3. The only ground that has been advanced by the applicant in the OA is that the Estate Officer failed to give proper hearing to the applicant and appellate authority also failed to hear him. The other grounds that the applicant has registered in some housing scheme where the allotment is still awaited, he is having a large family, his son who is in occupation of Type-I Quarter is yet to be allotted a higher type and there are others who are holding on to Govt. accommodation are not relevant to the disposal of this OA.

3/-

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4. Even with regard to the proceedings before the Estate Officer, no details ha^{ve} been given as to how the proceedings have not been conducted without giving him proper hearing. By his own submission, the applicant had only prayed for retention by four months from August, 1994.

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5. Additional District Judge, the appellate authority has recorded, there was no infirmity, irregularity and illegality in the impugned eviction order. The applicant gave a solemn undertaking to vacate the accommodation by "31.11.1994" and sought retention till then on compassionate grounds. This was allowed by the Additional District Judge. Hence the ground that this authority failed to hear him is without substance.

6. Thus, there is nothing advanced in the application to support his case.

7. In the circumstances, this OA is dismissed at the stage of admission itself. No costs.

P. J. Thiruvengadam

(P. J. THIRUVENGADAM)
MEMBER (A)

/RAAG/