

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.619 of 2004.

Allahabad this the 23rd day of June 2004.

Hon'ble Mr. D.R. Tiwari, Member-A.

Krishna Kumar Singh,
aged about 65 years,
S/o Late Shri Brij Behari Singh,
R/o 788A, Leader Road, Railway Colony,
Allahabad.

.....Applicant.

(By Advocate : Sri K.K. Mishra)

Versus.

1. Union of India, through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager,
North Central Railway,
Allahabad.
3. F.A. & C.A.O.,
North Central Railway,
Allahabad.
4. Senior Accounts Officer (Construction),
North Central Railway,
Allahabad.
5. Estate Officer (Head Quarter),
O/o Divisional Railway Manager,
North Central Railway, Allahabad.

.....Respondents.

(By Advocate : Shri A.K. Gaur)

O R D E R

This application has been filed under section 19 of A.T.
Act, 1985 for the following reliefs:-

- (i) to set aside the impugned notices dated 02.05/06.03,
passed by respondent No.5.
- (ii) to direct the respondents to treat the applicant
to be in authorised possession of Quarter No.788A,
Leader Road, Allahabad as long as the gratuity
and other dues to him are not paid.
- (iii) to direct the respondents to release of entire
amount of DCRG and arrears of monthly pension with
interest and further be pleased to release of post
retirement passess.

....2/-

D.R. Tiwari

3/

- (iv) to pass such other and/or further order as may be deemed necessary in the circumstances of the case.
- (v) Award costs.

"During the pendency of this case, the Hon'ble Court be pleased to stay the operation of the impugned notices dated 02.05/6.2003 passed by respondent No.5. "

2. The applicant retired from Railway Service on 31.07.1997. He was allowed to retain the Railway Accommodation No.788-A, Leader Road, Railway Colony, Allahabad till 31.03.1998. Counsel for the applicant has stated that action has been initiated against the applicant for eviction before State Officer of the said quarter under Public Premises (Eviction of Unauthorised Occupant) Act 1971. His ^{through} ~~thesis~~ of argument is that despite of his representation to the competent authority, he has neither been paid DCRG, Pension nor has been allowed complementary passes. In view of this relying on the decision of the Full Bench in the case of Wajir Chand wherein the issue of DCRG and passes were discussed and decided. He argues that the applicant may not be evicted from the Railway Accommodation till his dues are cleared. He has stated so in relief (2) mentioned above.

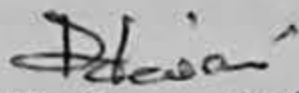
3. Shri A.K. Gaur, learned counsel for the respondents has opposed the contention of the applicant's counsel vehemently and has relied on the judgment in the case of Union of India Versus Rasila Ram reported in 2001(10) SCC 623 wherein the Supreme Court has held that Tribunal has no jurisdiction to entertain/decide the cases of eviction of quarter when action is initiated under Public Premises (Eviction of Unauthorised Occupant) Act 1971. Counsel for the respondents in view of this judgment states that this case is not maintainable before the Tribunal.

4- Shri K.K. Mishra, counsel for the applicant on the other hand has also argued that to resort the provisions of P.P. Act

D. S. Mishra

in this case should not be a normal procedure and the respondents could have taken action under the relevant provisions of the fundamental rule under 45(a) and 45(b). The IREM also has provisions for taking action and the Railway Board has also issued circulars to supplement the provisions of the IREM. Be that as it may, it is considered in the interest of justice that the applicant may file a representation to the competent authority in case he has not done ^{so} earlier. The representation should be filed within a period of 15 days from the date of this order. The respondents are directed to decide the representation of the applicant with a reasoned and speaking order within a period of 1 month thereafter. It is also provided that the eviction proceedings may be kept in abeyance till the disposal of the representation by the respondents.

5. With the above directions, this O.A. is disposed off at the admission stage itself with no order as to costs.


Member (A)

shukla/-