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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1267 OF 2005

ALLAHABAD THIS THE 14TH DAY OF DECEMBER 2007

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Moti Lal Singh,
Son of Late Har Dayal Singh,
Aged about 48 years,
R/O Railway Quarter No.442/AB,
Indian Institute Colony,
Moghalsarai (District Chandauli)

.Applicant

By Advocate : Sri V. R. Dwivedi

Versus

1. Union of India-Notice to be served upon-
The General Manager, East Central Railway,
Hajipur (Bihar).
2. The Divisional Railway Manager,
East Central Railway,
Moghalsarai Division, Moghalsarai
(District-Chandauli)

.Respondents

By Advocate : Sri Uday Shankar Mishra

ORDER

Having regard to the relief sought for in this application in the absence of any quashing of the order passed by the competent authority but the applicant has produced the order dated 08.10.2007 passed by the respondent's authority against the applicant. The respondents on notice contended that this order was passed in pursuance of the notification issued by the Ministry of Railway dated 23.07.1983. The said notification was issued based on powers conferred ^{under} against the Public Premises (Eviction of

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Unauthorised Occupants) Act 1971. Learned counsel for the applicant also states that his premises in which the applicant is residing comes under the purview of the Act aforementioned. Having regard to the same when it is asked to the learned counsel for the applicant regarding the maintainability of the OA at this juncture learned counsel for the applicant seeks permission to withdraw the OA with a liberty to agitate his grievance before the appropriate forum or authority. Accordingly the permission sought for by the learned counsel for the applicant is allowed and the OA is dismissed as withdrawn with a liberty to the applicant to agitate his grievance before the competent forum or the authority concerned. No Costs.

2. After passing of the above final order the learned counsel for the applicant submits and requests for two months time for vacating the premises in question by the applicant, if the respondents takes immediate steps for vacating the applicant's family from the premises, in that event they will put to great hardship and inconvenience. In view of these submissions that the family of the applicant is staying continuously, and therefore, I thought it just any proper in the interest of justice that the respondents be restrained from taking action to vacate the premises of the applicant's family immediately and as such two months time is granted to the applicants to vacate and hand over vacant possession of the premises to the respondents, failing which the

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respondents are at liberty to take action against the applicant in respect of the premises concerned after the expiry of two months time from today.



Member-J

/ns/