

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 150 of 2005.

Allahabad, this the 23rd day of February, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Syed Nayeem Tabish,
S/● Shri S.A. Haque,
aged about 41 years,
Electrical Signal
Maintainer Grade.I,
under Senior Section
Engineer (Down Hump),
Mughalsarai, Distt.Chandauli (UP),
at present resident of Rly.Qr. No.448/CD
European Colony, Mughalsarai,
Distt. Chandauli (U.P.).

....Applicant.

(By Advocate : Shri V.R. Dwivedi)

Versus

1. Union of India,
through the General Manager,
East Central Railway,
Hajipur (Bihar).
2. The Divisional Railway Manager,
East Central Railway, Mughalsarai,
Distt. Chandauli (U.P.).

.....Respondents.

(By Advocate : Shri A.K. Gaur)

ORDER

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

By this OA, filed under Section 19 of A.T. Act,
1985, the applicant has prayed for the following relief(s) :

"(1) Quash both the impugned orders No.E/Rent/16/
TE/04 dated 08.10.2004 and No.SG/DSE/quarter,
A dated 30.03.2004 (Hindi Script) i.e.
Annexure A-1 and A-1/1 (Compilation I).

(ii) Also direct the respondents to treat the
applicant as authorised occupant of Railway
Qrs. No.448/CD, Mughalsarai on payment of
normal rent in the circumstances of the case

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2. Learned counsel for the applicant submitted that the impugned order dated 8.10.2004 passed by the department is without jurisdiction as they have not given any notice prior issuing this order under Public Premises (Eviction of Unauthorised Occupants) Act, 1971. As per the applicant the recovery has already been started since November, 2004.

3. On the other hand, learned counsel for the respondents submitted that the applicant is an unauthorised occupant and the respondents have rightly passed the impugned order dated 8.10.2004 as the damage rent can be recovered from the applicant without giving any notice or any opportunity of hearing. Learned counsel further submitted that the Tribunal has no jurisdiction to decide the matter relating to Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

4. During the course of the arguments, learned counsel for the applicant submitted that he has filed a representation dated 9.12.2004 (Annexure-A-11), addressed to Divisional Railway Manager, E.C. Railway, Mughalsarai, which is still lying ^{undecided} in the department. He further submitted that the applicant will be satisfied if his representation dated 9.12.2004 (Annexure-A11) is decided by the Competent Authority by a reasoned and speaking order within a specified period.


5. After hearing the counsel for the parties, I am of the view that this OA can be disposed of at the admission stage itself by issuing a direction to respondent No.2 to consider and decide the representation of the applicant dated 9.12.2004 by a reasoned and speaking order within a period of two months from the date of receipt of copy of this order.

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6. However, in the interest of justice, it is provided that no further recovery in pursuance to order dated 8.10.2004 shall be made till the disposal of the above mentioned representation. The OA stands disposed of finally. No order as to costs.


Member (J)

RKM/