

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 04th day of January 2000.

Original Application no. 47 of 1992.

Hon'ble Mr. Rafiq Uddin, Judicial Member

Hon'ble Mr. S. Biswas, Administrative Member.

Mohd. Shafi, S/o Ghazi, (Retd. Grade A Special (Elect.)  
Northern Railway, Allahabad) r/o 104/250, Rajapur,  
Allahabad.

... Applicant.

C/A Shri C.P. Gupta,  
Shri Anand Kumar

Versus

1. Union of India, through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager (Sevt),  
Northern Railway, Allahabad.
3. Estate Officer (Sri R.P. Singh, AEN, Kanpur)  
(1st Floor Station Building) Allahabad at Kanpur  
DRM Office, Allahabad.
4. Divisional Engineer (HQ),  
Northern Railway,  
Kanpur.
5. Loco Foreman (CTFO/RSO),  
Northern Railway,  
Kanpur.

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6. The District Magistrate (Fin & Rev.),  
Allahabad City.

... Respondents.

C/R Shri A.C. Mishra.

ORDER (Oral)

Hon'ble Mr. Rafiq Uddin, Member-J.

The applicant retired as Driver Grade I on 31.01.82 from Railway Department. It appears that the Estate Officer, Northern Railway, Kanpur passed an order dated 22.12.1991 under section 4 and 7 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 whereby, he held that the applicant was unauthorisedly occupying two Railway Quarters nos 355 E Diggi Colony, Kanpur and 11 ABC, Loco Colony, Kanpur and, therefore, the respondents were entitled to take possession of aforesaid Railway Quarter. The Estate Officer also held that the applicant was liable to pay Rs. 23012.70 p and 56373.90 p as damages to the respondents in respect of unauthorised occupants of aforesaid two quarters.

2. In execution of aforesaid quarter the Estate Officer also issued recovery certificate under section 14 of Public Premises Act, 1971 on 25.09.1991. The applicant in this O.A. has challenged the validity of aforesaid order before this Tribunal. The applicant has also sought directions to the respondents to submit full and final account of his settlement of pension and pensionary benefits and details of rent of quarter no. 11 ABC Loco Colony, Kanpur, which has been deducted and compliance to

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deducted, details from rent to be deducted from the applicant.

3. We have heard Shri C.P. Gupta and Shri Anand Kumar for the applicant and Shri A.C. Mishra learned counsel for the respondents.

4. It has not been disputed before us that the validity of orders passed by Estate Officer can not be challenged before this Tribunal as the appeal against the order passed under section 9 of Public Premises Act, 1971 lie before the District Judge concerned. Therefore, the present O.A. is not maintainable before the Tribunal regarding relief mentioned in clause A and B of the relief clause of the O.A. As regards the relief clause C which is in respect of final settlement of account, and pension and pensionary benefits, It has been stated by the learned counsel for the applicant that applicant has been granted only provisional pension and he has not been paid full pension. This Tribunal in OA 509 of 1986 filed by the applicant has issued directions regarding settlement of pension and pensionary benefits of the applicant vide order dated 25.01.1991. Hence the same relief can not be reiterated in the present O.A. Hence, no other <sup>B</sup>final orders or directions are necessary in respect of final settlement of pensionary benefit of the applicant. Accordingly the O.A. is liable to be dismissed. It is open to the applicant to move Civil Court having jurisdiction against the order of Estate Officer. No order as to costs.

S. B. S. S.  
Member-A

R. J. M. D. M.  
Member-J