

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1058 of 1992

Allahabad this the 21st day of Dec. -1994

Hon'ble Mr. K. Muthukumar, Member 'A'
Hon'ble Mr. Jasbir S. Dhaliwal, Member 'J'

Mohd. Abbas, S/o Shri Mohd. Ishahaq, R/o 65/6,
Sahani Colony Type-II, Kanpur.

Applicant.

By Advocate Shri R.C. Sinha

Versus

1. Union of India through Sec. Ministry of Defence Production, Government of India, New Delhi.
2. General Manager, Ordnance Equipment Factory, Kanpur.
3. Prabhari Officer, Ordnance Equipment and Parachute Factories, Estate, Kanpur.

Respondents.

By Advocate Shri Ashok Mohiley

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

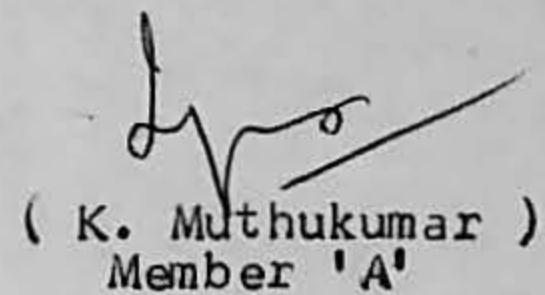
The petitioner Mohd. Abbas has filed this petition against a notice under Section 4 of Public Premises(Unauthorised Occupant Eviction)Act, 1971) Annexure A-2. He is in occupant of a quarter no. H/65-6, Sahni Colony, Cantt. Kanpur as he was an employee under the respondents. He was awarded the punishment of compulsory retirement w.e.f. 24.12.1988 and was also issued a notice(Annexure A-1). He had challenged his compulsory retirement, which was earlier set aside on the grounds that he had not been supplied with copy of enquiry report. Thereafter, again an order of his compulsory retirement was passed on 22.4.1992 and a fresh notice dated 21.5.1992 under the Public Premises Act was issued. He has filed an

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O.A. challenging his order of compulsory retirement and also the present petition.

2. We have heard the learned counsel for the parties. We find that only notice had been issued to the petitioner under the aforesaid Act in finding him unauthorised occupation of Public premises. The Estate Officer had jurisdiction to try the same and an appeal against his order is maintainable before the District Judge. The Estate Officer functions in a ~~quasi~~ quasi judicial capacity and the appeal is maintainable before a judicial authority. The petitioner has not exhausted the remedies limits available to him under the law. Considering these facts, we do not consider it to be a fit case for interference at this stage in the exercise of writ jurisdiction. The petition is, therefore, dismissed on that short ground. There will be no order as to costs.


(Jasbir S. Dhaliwal)
Member 'J'


(K. Muthukumar)
Member 'A'

/M.M./