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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application NO. 245 of 1994

Allahabad this the 29<sup>th</sup> day of March 1995

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

Jaswant Singh, S/o Late Shri Samnon Singh, Working as Dresser under Divisional Medical Officer, Northern Railway, Tundla.

Applicant.

By Advocate Shri Anand Kumar.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Shri Ram Chander, Estate Officer, Northern Railway, HQ, Baroda House, New Delhi.
4. Divisional Engineer, Northern Railway, Tundla

Respondents.

O R D E R

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

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The petitioner has come to this Court challenging his eviction from Government premises as ordered by the Estate Officer vide order dated 31.12.93. The facts show that the petitioner was in occupation of a quarter no 14/2-D at Tundla from which station he was transferred in the year 1982 to Jodhpur division. He had filed a case with Central Administrative Tribunal Allahabad in the year 1990 which was dismissed. A notice was issued to him for eviction of the premises

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under Section 4 and 7 of the Public Premises (Eviction of Unauthorised Occupants) Act of 1971. He appeared before the Estate Officer and thereafter did not file any reply or objection and absented himself. As a consequence thereof, the impugned order was passed wherein the Estate Officer found that he had been in unauthorised occupant from 04.7.1982 to 30.11.1992, the amount recoverable from him has also been mentioned in it. Ultimately eviction has been <sup>ordered</sup> finding him in unauthorised occupant.

2. The sole ground as disclosed is that the order has been passed in ex-parte proceedings. The other grounds are that the order is punitive and is against the facts and that he could not attend the proceedings before the Estate Officer, as he was ill.

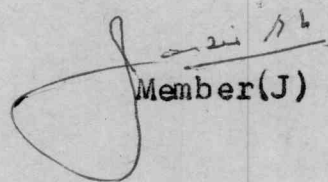
3. The grounds raised have been considered. The impugned order was passed on 31.12.1993 whereas he did not attend the proceedings w.e.f. 21.7.1993. There is nothing on record to show that he was sick and unable to move about during this entire period of more than 5 months. It is not his case that he had remained posted at Tundla or had been



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authorised by some special order to remain in occupation of the Railway premises. It is not clear as to how the petitioner alleges the order to be punitive. This Court, thus, does not find any ground to entertain this petition in exercise of its jurisdiction. The petition is, therefore, dismissed in limine.

  
Member(J)

/M.M./