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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
XXXVXXXDXXXXDX

O.A. No. 97 of 1991
ExxxNx

DATE OF DECISION 20.4.1991

Shri Yogendra Prasad Bhagvati Petitioner
Prasad

Mr. J.D. Ajmera Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. B.R. Kyada Advocate for the Respondent(s)

CORAM.

The Hon'ble Mr. P.H. Trivedi Vice Chairman

The Hon'ble Mr. R.C. Bhatt Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

Shri Yogendra Prasad
Bhagwati Prasad,
Quarter No. 370/I,
Railway Colony,
Gandhidham.
(Advocate-Mr. J.D. Ajmera)

.. Applicant

Versus

1. Union of India
(Notice to be served
through General Manager,
W. Rly., Churchgate,
Bombay - 400 020).

2. Shri N.D. Gandhi or his
successor in office,
Chief Foreman, C & W,
Western Railway,
Gandhidham.
(Advocate - Mr. B.R. Kyada)

.. Respondents

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. R.C. Bhatt .. Judicial Member

O.A. No. 97 of 1991

O R D E R

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Dated : 20.4.1991

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Heard learned advocate Mr. J.D. Ajmera, in this case and OA/98/91 and OA/100/91. He states that the facts are identical in all the cases. The applicants have been put into possession of the quarters according to them by oral instruction on the result of a committee of the Railway officials for allotment of quarter and now are being threatened for eviction. No allotment order is admittedly passed and no order of eviction has been passed either. He states that in another case with similar circumstances, the petition has been admitted. We are not persuaded by the learned advocate for issue of notice. If the applicants have been in possession for considerable period whatever right they may have under other laws for continuing in possession

(3)

they do not arise from any service rules and no jurisdiction of this Tribunal can be invoked in matters of this nature when no rights have been given to the Government servant under any order of allotment and there can be no cause without any order for eviction of quarter. The application cannot be based on mere averments for apprehensions. Application accordingly dismissed.

Neil

(R C Bhatt)
Judicial Member

Prerit

(P H Trivedi)
Vice Chairman

*Mogera