

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/00865 OF 2015
Cuttack, this the 23rd day of December, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

.....
Archana Panda, aged about 41 years, W/o Late Ajaya Kumar Panda of Vill-Kaharagohiri, Po-Sarasatia, Ps-Khantapada, Dist-Balasore, Odisha, At present- Retang Colony, Qr. No.649/B, At/Po/Ps-Jatni, Dist-Khurda, Pin-752050, Odisha.

....Applicant

(Advocate: M/s. N. Panda, S.K. Mohanty)

-VERSUS-

Union of India Represented through

1. The General Manager,
East Coast Railway, Samata Vihar,
Chandrasekharpur, Bhubaneswar-751017,
Dist-Khurda, Odisha.
2. The Divisional Railway Manager,
East Coast Railway,
Khurda Road, Jatni-752050, Dist-Khurda, Odisha.
3. The Senior Divisional Operation Manager,
East Coast Railway,
Khurda Road, Jatni-752050, Dist-Khurda, Odisha.
4. The Estate Officer-cum-Sr. DEN (Eastate),
East Coast Railway,
Khurda Road, Jatni-752050, Dist-Khurda, Odisha.

... Respondents

(Advocate: Mr. T. Rath)

ORDER (oral)

A. K.PATNAIK, MEMBER (J):

None appears for the applicant. Heard Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant is the wife of Late Ajaya Kumar Panda who while working as Sr. Clerk under Sr. DOM/KUR, passed away on 05.12.2006. She has moved this Tribunal in the instant O.A. seeking the following relief:-

“(i) The Hon'ble Tribunal may graciously be pleased to admit this Original Application.

Alb

ii) The Hon'ble Tribunal may considering the facts and grounds stated above may quash / set-aside the letter No.vide EC-127/2015 issued on dated. 08.09.2015 by the Estate Officer-cum-Sr. DEN (Estate), East Coast Railway, Khurda Road for better interest of justice vide Annexure-1.

iii) The Respondent may direct to dispose of the representation of the applicant forthwith."

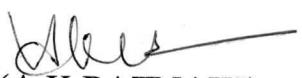
3. It reveals from the record that vide communication dated 29.07.2015, applicant had been issued with a notice for vacation of Rly. quarters that had been allotted in favour of her husband at Retanga Colony, as she has been residing therein unauthorizedly. While the matter stood thus, vide communication dated 08.09.2015 (Annexure-A/1), Estate Officer-cum-Sr. DEN (Estate) has called upon the applicant to show cause on or before 28.10.2015 as to why an order of eviction should not be passed against her. Aggreived with this applicant has moved before this Tribunal seeking the relief as mentioned above.

4. Law is well settled by the Hon'ble Supreme Court in UOI vs. Rashila Ram reported in (2001) 10 SCC 623 that the Tribunal has no jurisdiction to try and adjudicate the matters arising out of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Since the notice sought to be quashed has been issued by the Estate Officer-cum-Sr. DEN (Estate) E.Co. Rlys under Sub-section (1) and Clause (B) (iii) of Sub-section-2 of Section-4 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971, in our considered view, the O.A. in the present form is not maintainable.

5. In view of this, the O.A. is rejected without being admitted.

No costs.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)