

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

CAT/BOM/STAMP NO.605/87.

ORIGINAL APPLICATION NO.642 OF 1987.

(1) Smt.Lalita Ramanna Shetty,

(2) Shri.Padmanabha R. Shetty.

Central Railway Quarter  
No.MS/RB/I/128/33,  
Wenden Avenue Road,  
Matunga,  
Bombay - 400 019

... Applicants

Vs

(1) General Manager,  
Central Railway,  
General Manager's Office Building,  
2nd Floor, D.N.Road,  
Central Railway,  
Bombay V.T.  
Bombay - 400 001.

(2) Office of the Divl.Railway Manager,  
Annexe Building, Central Railway,  
Bombay - 400 001.

(3) Chief Security Commissioner,  
Railway Protection Force,  
Central Railway Parcel Office Bldg.,  
3rd Floor, Bombay V.T.  
Bombay - 400 001.

... Respondents.

Coram: Hon'ble Member (A) J.G.Rajadhyaksha  
Hon'ble Member (J) M.B.Mujumdar

Appearance:

Mrs.Indu Eapen, Advocate for the  
applicants.

ORAL JUDGMENT

Date: 28-9-1987

(Per: M.B.Mujumdar, Member (J))

Heard Mrs.Indu Eapen for the applicants on  
the point of admission and interim relief.

2. Shri Ramanna Shetty who was working as Rakshak  
in the Railway Protection Force and attached to the Central  
Railway, expired on 13-12-1984 leaving behind a widow  
Lalitha (applicant No.1), two sons ~~via~~ Padmanabhan  
(applicant No.2) and Suresh and two married daughters.

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Applicant No.2 was about 17 years old at that time. He first tried to get a Class III job, but failed in the examination and hence he could not get it. However, on his completing the age of 18 years and on compassionate grounds, he has been appointed as Khalasi on 18-6-87 and since then he is working in that capacity with the Central Railway.

3. The late Ramanna Shetty was allotted Quarter No.MS/RB/I/128/33 situated at Matunga. After his death, his family members were allowed to reside in the quarters for some time. However, thereafter, eviction proceedings under the Public Premises Eviction Act, 1971 were started. The Estate Officer before whom the proceedings were going on granted some more time to the members of the family to remain in the quarter. However, as the quarters were not vacated, he finally passed an order on 11-3-1986 directing that Smt.Lalitha the widow of the deceased Ramanna and all other persons residing in the quarters should be evicted from the quarters under section 5(i) of the Public Premises Eviction Act, 1971. Against that order, Lalitha preferred Misc.Appeal No.175/86 on 30th June, 1986 in the Bombay City Civil Court, Bombay. After hearing her advocate Mr.Nathan and the respondents' advocate the learned City Civil Court Judge dismissed the appeal with no order as to cost. The order passed by the learned City Civil Court Judge is as follows :-

- " i) The appeal is dismissed. No order as to costs. The appellant as well as her son Padmanabh are present in Court. The appellant gives an undertaking to the effect that in case her application for allotment of the premises to her son is not granted on or before 30th September, 1987, she will quit, vacate and hand over vacant possession of the premises to the Respondents.

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cant No.2 was appointed as a Khalasi. In view of the order passed by the Court and in view of the undertaking given by the applicants we feel that they are not justified in filing this application and requesting that the quarter should be allotted to applicant No.2, which in result would allow the applicants to reside in the quarter beyond 30th of September, 1987. Hence so far as the question of allotment of quarter is concerned the applicants have no case whatsoever.

6. Regarding the second prayer viz. for giving an appointment to Applicant No.2 in Group 'C' post, it is an admitted fact that applicant No.2 was allowed to appear for an examination for that post but he failed. That is why he is given an appointment as a Khalasi in Group 'D' on compassionate ground. We, therefore, feel that applicant No.2 has no case regarding the second prayer.

7. Lastly, the applicant has requested for directing the respondents to pay DCRG to applicant No.1 with interest. It is clear that the DCRG has been withheld because applicant did not vacate the quarters. If she had vacated the quarter, we do not think the respondents would have withheld the DCRG which is due to her. In our opinion, a simple observation will serve the purpose.

8. In result we pass the following order:

- i) The application is summarily rejected under Section 19(3) of the Administrative Tribunals Act, 1985.
- ii) We, however, trust that the respondents would

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pay the DCRG to applicant No.1 according to rules as expeditiously as possible after she vacates the quarter which is in her possession after the death of her husband.

- iii) Applicant No.1 will be at liberty to approach this Tribunal for payment of DCRG with interest if the same is not given to her within two months from the date on which she vacates the quarters. In that application she may not produce copies of the documents which she has already produced in the present application. If necessary, the documents may be returned to her for enabling her to produce the same along with the fresh application.
- iv) A copy of the order should be sent to the respondents.

(J.G. RAJADHYAKSHA)  
Member(A)

(M.B. MUJUMDAR)  
Member(J)