

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.317/86.

Ravi Kant Kolte,
C/o G.S. Walia,
Advocate, High Court,
89/10, Western Railway,
Colony, Matunga Road,
Bombay - 400 019.

.... Applicant.

V/s.

1. Union of India, through
General Manager, Western
Railway, Churchgate, Bombay.
2. Divisional Railway Manager,
Bombay Division, Western Railway,
Bombay Central, Bombay-400 008. Respondents.

Coram: Member(A), J.G. Rajadhyaksha
Member(J), M.B. Mujumdar.

Appearances:

- 1) Shri G.S.Walia, Advocate for the Applicant.
- 2) Shri M.I. Sethna, Advocate for the Respondents.

Tribunal's Order:

(Per M.B.Mujumdar, Member(J). Dated: 10-10-1986.

Heard Mr. Walia, Advocate, for the applicant
and Mr. Sethna for the respondents.

We are not prepared to accept the submission
of the applicant that he is occupying the room in
possession on an oral permission granted by some
railway officer. We find that he is occupying the
room unauthorisedly. The room is neither a residential
room nor is the applicant paying any rent, electricity
charges or other charges. It appears that on his
representation he had been permitted to occupy the
room till the end of monsoon this year (Exhibit 'B-1').
In his representation dated 19-6-86 he had assured
that he would vacate the room at the end of monsoon
i.e. 30-9-86 (Exhibit 'F').

...2/-

Today, Mr. Walia the learned counsel for the applicant after taking instructions from the applicant submitted that the applicant be allowed to occupy the room till the end of 30th April, 1987. We have asked Mr. Walia to give applicant's written an undertaking to that effect to the authorities.

In the result we find that the application is devoid of any merit. It does not deserve to be adjudicated upon by this Tribunal and it deserves to be summarily rejected under Section 19(3) of the Administrative Tribunals Act. However on sympathetic and humanitarian grounds we propose to allow the applicant by vacate the room with him upto ~~by~~ the end of April 1987, as it is with him and his family for a long period.

With this we pass the following order:

Order

- 1) The application is summarily rejected.
- 2) The applicant should vacate the room in his possession on or before 30-4-1987 as per this order.
- 3) The respondent should not evict the applicant from the room till that date.


(J.G. RAJADHYAKSHA)
MEMBER (A).


(M.B. MUJUMDAR)
MEMBER (J)