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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 193/89 198  
T.A. No.

DATE OF DECISION 3.10.1989

Shri S.J.Contrellu Petitioner

Shri D.V.Gangal Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri V.S.Masurkar. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y.Priolkar, Member(A).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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

Original Application No.193/89.

Shri S.J.Contrellu.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,

Appearances:

Mr.D.V.Gangal, advocate for  
the applicant and Mr.V.S.Masurkar,  
advocate for the respondents.

Oral Judgment:-

¶ Per Shri M.Y.Priolkar, Member(A)¶ Dated: 3.10.1989.

The applicant, who is working since 29.7.1982 as Motor Transport Driver Gr.II in the Indian Navy, was transferred from Naval Transport Pool to I.N.S.Trata in January, 1984. While serving in I.N.S.Trata, he was allotted a quarter by order dated 13th August, 1986 issued by Executive Officer for Commanding Officer of I.N.S.Trata (Annexure 'A'). There were no specific terms and conditions of allotment mentioned in this order. The applicant's grievance is that on his transfer back to the Naval Transport Pool in 1988, the applicant was directed by letter dated 10th January, 1989 to hand over the accommodation without having been provided with any alternative accommodation. A further notice dt. 10.2.1989 has also been issued to the applicant to vacate the accommodation within 30 days. Since the applicant's representations to the superior authorities either for permitting retention of the accommodation or providing him with alternative accommodation evoked no response, the applicant has approached this Tribunal on 8.3.1989 praying for directions to the respondents not to evict him from the existing quarter or, alternatively, provide him with alternative accommodation.

2. Mr.V.S.Masurkar, learned Counsel for the respondents, stated that the applicant being a Civilian employee of the Indian Navy is entitled only to accommodation controlled by the Estate Manager of Government of India and any regular accommodation can be allotted to the applicant, in his turn, only by that authority in accordance with the relevant rules. However, since the applicant's services were urgently required and there was some ad hoc accommodation available with the respondents, he was allotted this accommodation purely as an ad hoc and temporary measure, on the understanding that on his transfer out of that unit he can be asked to vacate the accommodation without any claim for alternative accommodation. Mr.Masurkar, however, was not able to produce any allotment rules or instructions on the basis of which such ad hoc accommodation could be allotted to eligible employees or even any rules on the basis of which rent for such accommodation could be charged. Mr.D.V.Gangal, learned advocate for the applicant, asserted that in the absence of any rules in this regard the applicant could not be evicted from the quarter until he was provided with alternative accommodation.

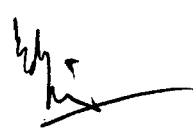
3. Evidently, Public Premises (Eviction of Unauthorised Occupants) Act, 1971 will be applicable in this case for the purpose of initiating eviction proceedings against the applicant, if thought fit, by the respondents. This was conceded by the advocates on both sides. The failure to observe the provisions of this Act before issuing the eviction orders will make these orders liable to be set aside. I accordingly set aside these two letters dt. 10.1.1989 and 10.2.1989 and direct the respondents to

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initiate proceedings under the Public Premises (Eviction of Unauthorised Occupants ) Act, 1971, in case they want to evict the applicant from his existing quarter. The respondents are also restrained from charging to the applicant any higher rent than the rent which was being charged for this quarter before issue of eviction notices, except in accordance with the law. Original Application No.193/89 disposed of accordingly.

  
(M.Y. PRIOLKAR)  
MEMBER(A).