



04

The applicant's advocate is not present but it is not necessary to hear him.

2. By order dated 22.11.1989 we had directed the respondents not to implement the order of eviction of the applicant from Government quarter in his possession till 7.12.1989. By order passed on 6.12.1989 we directed that the respondents may conclude the eviction proceedings started against the applicant, but they shall not implement the final order without the permission of this Tribunal. The applicant has now filed C.P.No. 2/89 for taking action against the respondents for committing breach of this order. Along with the petition he has produced a copy of the order dated 4.12.1989 passed by the Estate Officer under Section 5 (1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 directing the applicant to vacate and deliver vacant and peaceful possession of the quarter in his possession within 15 days from the date of issue of the order. He is further informed that on his failure to comply with the order within the stipulated period, he and other persons will be evicted from the premises by the use of force if required, and with the help of police. In view of the orders passed by us, the respondents will not be entitled to implement this order. Hence, we direct that the respondents shall not implement ~~the~~ order dated 4.12.1989 passed by the Estate Officer till the disposal of this application. C.P.No. 2/90 is disposed of.

3. Respondents are already asked to file the reply on 24.1.1990 before the Registrar, that date stands.


(M.Y. Priolkar)
Member (A)


(M.B. Mujumdar)
Member (J)

Order dtd. 10.1.90
Sent to parties
on 15.1.90.

Noted

Order dt 10-1-90
Served on RENO7
& 2 on dt 16-1-90
MSD
18-1-90

(05)

Date : 24/1/1990.

Mr. D.V. Gangal, Advocate appears for the applicant.

Mr. R.K. Shetty, Counsel appears for the Respondents. He has filed his note of appearance which is taken on record. He has filed reply today which is taken on record and has served a copy of the same on the Advocate for the applicant Shri Gangal.

Since the reply has been filed the matter can go to Sine-die list. However the Hon'ble Tribunal has directed by order dtd. 6.12.1989 that the respondents to dispose of the appeal dated 31.3.1989 preferred by the applicant as far as possible within three ~~xxx~~ months from the date of receipt of a copy of this order. The order dtd. 6.12.1989 of the Tribunal is served on the Respondents on 19.12.1989.

Place this matter before the Tribunal for directions on 21-3-90.

No notice to either side.


Dy. Registrar.

Undertaking from the
applicant received
on 13/12/90 is put up
for perusal.

SSK
19/12/90

Dated : 21-3-90.

Shri D.V. Gangal for the
applicant and Shri R.K. Shetty
for the opposite parties are
present.

Mr. R.K. Shetty says, and
the learned Counsel for the
applicant admits, that the
applicant has been reinstated
by the department without
back wages. Shri Gangal says
that in the circumstances the
petition is not pressed.

Contd.

(06)


Contd.

The application is, therefore, disposed of as not pressed.

There is an application on behalf of the Union of India through the Estate Manager for impleading them as respondents. We see that the case has been disposed of between the parties who are already in the arena. That application therefore is infstructuous.

Order dt. 21.3.90
Served to parties
on 23.5.90.

Abdullahi


(P.S. Chaudhury) (Kamleshwar Nath)
M(A) V/c.

Order dt. 21.3.90
Served on Proprietor
on dt. Nil

NB
6/6/90

Order dt. 21.3.90 served
on R.N.02 on dt. 24.5.90
NB
19/6/90