

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

STAMP

~~XXXX~~ No. 520/1989.

198

~~XXXXXX~~

DATE OF DECISION 23/8/1989.

Shri M.V. Rao

Petitioner

Mr.G.D. Samant

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr.G. Pal instructed by Little
& Co. for Resp.No.2 to 4.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.S. CHAUDHURI, 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?

Yes

No

(3)

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

STAMP APPLICATION NO.520/89.

Shri M.V. Rao,
Retired Traffic Manager, VSNL,
Residing at Flat No.17, Type D,
53, Videsh Sanchar Nivas, VSNL Staff Quarters,
New Marine Lines,
Bombay - 400 020.

.. Applicant.

V/s.

1. Union of India, represented
by its Secretary, Ministry of
Communication, Sanchar Bhavan,
20, Ashoka Road,
NEW DELHI.
2. The Chairman & Managing Director,
Videsh Sanchar Nigam Ltd.,
Videsh Sanchar Bhavan, M.G. Road,
Fort, Bombay - 400 001.
3. Shri N.V. Padmanabhan,
Estate Officer,
Videsh Sanchar Nigam Limited,
12th Floor, Videsh Sanchar Bhavan,
M.G. Road, Fort,
Bombay - 400 001.
4. Shri C.K. Sankaranarayanan,
Estate Officer/Dy.General Manager (M),
Videsh Sanchar Nigam Ltd., Bombay Branch,
3rd Floor, Videsh Sanchar Bhavan,
M.G. Road, Fort,
BOMBAY - 400 001.

.. Respondents.

Coram: Hon'ble Member(A) Shri P.S. Chaudhuri.

Appearances:

1. Mr.G.D. Samant,
Advocate for the
Applicant.
2. Mr.G. Pal instructed by
Little & Co. for
Respondents No. 2 to 4.

ORAL JUDGMENT:

Dated: 23/8/1989.

This application was filed on 10/8/1989 under Section 19 of the Administrative Tribunals Act, 1985. In it the applicant prays for (i) Cancellation of the memorandum dated 8/8/1989 directing him to vacate Flat No.17, Type D at Videsh Sanchar Nivas, Bombay not later than 12/8/1989; (ii) A declaration that the order dated 31/7/1989 being the proceedings before the

Oh Estate Officer, V.S.N.L., Bombay be declared valid and in order; and (iii) A declaration that the applicant be permitted ^{to retain the} above mentioned quarter till the statutory provisions under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 are complied with. He had also prayed for interim relief on the basis of the first relief prayed for above.

2. In terms of para 1 (d) of the Chairman, Central Administrative Tribunal's Order dated 21/3/1989, the matters that need to be decided in this case thus come within the purview of a Bench consisting of a Single Member.

3. Today I heard Mr.G.D.Samant, learned advocate for the applicant and Mr.G. Pal (instructed by Little & Co,) learned advocate for Respondents No. 2 to 4. The Respondents had been asked to file their reply today but Mr. G.Pal stated that they did not wish to file any written submission and would submit to the orders of the Court after they had been heard. Mr.Samant filed proof of having served Respondent No.1 by Speed Post.

4. At the outset Mr.Samant submitted that Respondent No.1 is a formal party and that his presence at today's hearing was not necessary as no relief has been claimed against him. I agree with this. I accordingly admitted the matter today and now proceed to dispose of it.

5. The facts may be briefly stated. The applicant retired as Traffic Manager, Videsh Sanchar Nigam Limited with effect from 31/12/1988. He was then in occupation of Flat No.17, Type D, Videsh Sanchar Nivas, Bombay. After retirement the applicant applied for and was given permission, under certain conditions, to retain this accommodation upto 30/4/1989. The applicant requested for extension of this permission beyond 30/4/1989. This request was rejected by a letter dated 14/6/1989 in which the applicant was requested to vacate the quarter immediately, failing which the

eviction proceedings would be instituted against him. A notice dated 7/7/1989 under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 was issued to the applicant by Shri N.V. Padmanabhan, Estate Officer appointed under Section 3 of the said Act, calling upon the applicant to appear before him in person on 31/7/1989 for personal hearing. The applicant was present for this hearing. He assured that he would give vacant possession of the premises by the first week of September, 1989 or even earlier if he could make some other arrangement before that. An order was then passed by the Estate Officer giving the applicant time till 7.9.1989 and further action in the matter was stayed till that date. However, by the impugned memorandum dated 8/8/1989 which was signed by another Estate Officer the applicant was directed to vacate the said accommodation not later than 12/8/1989. Being aggrieved by this order he filed the present application.

6. The question whether eviction proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 fall within the purview of the Central Administrative Tribunal has been decided by the Full Bench in Rasila Ram's Case, (1989) 10 ATC 737, in which it has been held that "eviction proceedings against Central Government employees under the P.P. Act fall within the purview of the Central Administrative Tribunal."

7. Mr.G. Pal fairly stated that the Respondents have no objection to cancelling the impugned order dated 8/8/1989 and that they would be doing so by 31/8/1989. It was his submission that with this cancellation the case regarding the eviction of the applicant reverted back to what it was when the Estate Officer passed his order dated 31/7/1989. It was his contention that ^{with} this the first two prayers of the applicant were fully met. Mr.Samant fairly did not contest this position.

8. Mr. G. Pal then submitted that the third prayer of the applicant did not arise as no case had been made out by the applicant that the respondents had any intention of violating any statutory provisions. I see considerable force in this and do not think that the applicant is entitled to any relief in respect of this prayer.

9. In this view of the matter, the application partly succeeds. The respondents will cancel their order dated 8/8/1989 by 31/8/1989. The respondents are at liberty to proceed further with the eviction proceedings initiated by the Estate Officer by his notice dated 7-7-1989 from the stage that was reached at the hearing on 31-7-1989. In the circumstances of the case there will be no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A).