

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

M.P. 797/96 in
Original Application No.189/96

Srinivasan M. Enam ... Applicant.

By Advocate Shri G.S.Walia

V/s.

Union of India and others

By Advocate Shri V.S.Masurkar.

CORAM: Hon'ble Shri B.S. Hegde, Member(J)

Tribunal's order

Dated: 12.12.96

Heard Shri G.S.Walia, counsel for the applicant.
Shri V.S.Masurkar, counsel for the respondents.

The applicant has filed M.P. 797/96 seeking extension of time to stay in the Railway quarter till the end of April 1997 on account of his illness and children's education.

It may be recalled that the Tribunal by its order dated 12.9.96 considering the facts and circumstances of the case directed the applicant to give an undertaking within 20 days to the respondents stating that he will vacate the quarter by 31.10.96. During the course of hearing I am told that the applicant has not given such an undertaking to the respondents till now.

In the light of the above, I hereby direct the applicant to give an undertaking within three days from the date of receipt of this order to the respondents stating that he would vacate the Railway quarter in occupation by 30.3.97 without any further notice.

Though the counsel for the respondents, Shri Masurkar vehemently opposed the M.P. and urged that there is no justification on the part of the applicant to seek for any stay in the quarter, since he had retired as back as 31.3.94 and was allowed to remain in the quarter by 8 months on his request. Since he failed to vacate the quarter after retirement, a final order of ~~eviction~~ was passed on 21.2.96. The said eviction order was challenged by the applicant by filing O.A. 189/96 which was finally disposed of by the Tribunal on 12.9.96, directing the applicant to vacate the quarter by 31.10.96. The applicant has not furnished any medical certificate for his alleged illness etc.

In the circumstances, the only reason, I am allowing this M.P. on the ground of his children's education and the academic year comes to an end by March '97. This extension is granted not under any Rules nor any equity is in his favour, but purely on compassionate ground of children's education, the applicant is allowed to continue in the quarter. The applicant is directed to vacate the quarter latest by 30.3.97 and thereafter he shall hand over the vacant possession of the quarter to the respondents without any further notice, failing which the respondents are at liberty to enforce the eviction order dated 21.2.96 and collect the rent in accordance with law before releasing his retiral dues. M.P. stands disposed of.

Copy of the order be given to the parties.


(B.S. Hegde)
Member (J)