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CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

ORIGINAL APPLICATION NO.: 401 OF 1996.

Date of Decision : 30.7.96

Shri T. G. Mohanty & Anr. Petitioner.

Shri A. I. Bhatkar. Advocate for the Petitioner.


VERSUS

Union Of India & Others Respondents.

Shri V. S. Masurkar Advocate for the respondents.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?

  
(B. S. HEGDE)  
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.: 401 OF 1996.

*Pronounced*

Dated, this 30<sup>th</sup> the July, 1996 day of \_\_\_\_\_, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

1. T. G. Mohanty.

2. Laxman T. Mohanty.

(Both the applicants residing  
at 3062/72, C.G.S. Quarters,  
Sector-VII, S.M. Plot,  
Bombay - 400 037).

... Applicants.

(By Advocate Shri A.I. Bhatkar)

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Urban Development,  
(Directorate of Estates),  
Govt. Of India, Nirman Bhavan,  
NEW DELHI - 110 001.

2. The Director,  
(Directorate of Estates),  
Nirman Bhavan,  
New Delhi - 110 001.

3. The Estate Manager,  
Government of India,  
Old C.G.O. Bldg. Annexe,  
3rd. floor, 101 M.K. Road,  
BOMBAY - 400 020.

.. Respondents.

4. The Admiral Superintendent,  
Naval Dockyard, Lion Gate,  
BOMBAY - 400 023.

(By Advocate Shri V.S. Masurkar).

: ORDER :

{ PER.: SHRI B. S. HEGDE, MEMBER (J) }

1. Heard Shri A.I. Bhatkar for the applicants  
and Shri V.S. Masurkar for the respondents.

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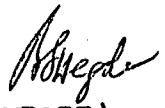
2. This case also stands on the similar footings as that of O.A. No. 172/96. In this case also interim relief was granted by the Tribunal on 25.04.1996 which continued till date. The applicant no. 1 is father of the applicant no. 2, who retired from Government service on attaining the age of superannuation on 28.02.1994. The applicant no. 1 while in service in Naval Dockyard, Bombay, he was allotted a Government accommodation by the respondent no. 3 vide order dated 24.06.1985 amended by another order dated 08.07.1985. The said accommodation is at present in the applicants possession. The applicant no. 2 also came to be appointed in the Naval Dockyard as Unskilled Labourer in regular vacancy vide order dated 07.09.1988. Since the Applicant No. 2 was also appointed to the same employer i.e. in the Naval Dockyard, Bombay and as he was residing with his father in the same accommodation, he informed the said facts to the respondents in January 1991 stating that he was not drawing H.R.A. from the government and to regularise the quarter in his name. After the retirement of applicant no. 1, the respondents initiated the eviction proceedings against the applicants and eviction order was passed on 20.12.1994. Since no show cause notice was issued to the applicants and no hearing was given to them, the said order was challenged before the Principal Judge of City Civil Court at Bombay vide Miscellaneous Appeal No. 117 of 1995. The said appeal was decided on 30.11.1995 stating that the matter is remanded back to the Estate Officer to decide afresh, after giving fresh show cause notice to the appellants and after giving sufficient opportunity to the appellants to file written statement and defend themselves at the time of personal hearing. Thereafter, the respondents issued a fresh show cause notice vide dated 15.03.1996 under section 4 of the



Public Premises (Eviction of Unauthorised Occupants) Act, 1971  
The applicant no. 2 replied the show cause notice vide dated 02.04.1996 stating that the accomodation in question be regularised in the name of the 2nd Applicant in accordance with the rules and on the basis of his application which was sent to the Estate Manager through his office vide their letter dated 12.11.1993, etc.

3. Since the facts of this case are similar to the facts referred to O.A. No. 172/96 and in view of the order passed by the respondents vide their letter dated 15.03.1996, I hereby direct the respondents to regularise the quarter which is in occupation of the applicants in the name of Applicant No. 2 within a period of one month from the date of receipt of a copy of the order.

4. The O.A. is disposed of with the above directions.  
No order as to costs.

  
(B. S. HEGDE)  
MEMBER (J).

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