

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 826 /1996.

Date of Decision: 28.10.1996.

V.P.S. Rastogi,

Petitioner/x

Shri R. S. Tulaskar for  
Shri G. K. Masand,

Advocate for the  
Petitioner/x

v/s.

Union Of India & Others,

Respondent/s

Shri S. C. Dhawan,

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B. S. HEGDE, MEMBER (J).

Hon'ble Shri M. R. KOLHATKAR, MEMBER (A).

- (1) To be referred to the Reporter or not ? *10*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *10*

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.:826/96.

Dated, this Monday the 28th day of October, 1996.

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

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

V.P.S. Rastogi,  
F-51, Central Railway Qtrs.,  
Dr. Ambedkar Road,  
Parel,  
Mumbai - 400 012.

...

Applicant

(By Advocate Shri Tulaskar  
for Shri G. K. Masand).

VERSUS

1. Union Of India through  
The Central Railway,  
Mumbai C.S.T.

2. Dy. Chief Mechanical  
Engineer (Sisl.),  
Central Railway, Parel  
Loco Workshop, Parel,  
Mumbai - 400 012.

3. The Estate Officer,  
Bombay Division,  
Central Railway,  
BOMBAY.

...

Respondents.

(By Advocate Shri S.C. Dhawan).

: ORDER (ORAL) :

[ PER.: SHRI B. S. HEGDE, MEMBER (J) ] .

1. Heard Shri R.S. Tulaskar for the applicant  
and Shri S.C. Dhawan for the respondents.

2. The respondents have not yet filed their reply.  
The applicant has superannuated in the year 1994. A charge-  
sheet was issued on the applicant in the year 1993 against

*AS*

which disciplinary proceedings are initiated. Since the applicant has retired from service in the year 1994, the respondents are directed to complete the enquiry within a period of four months from the date of receipt of a copy of this order. Since the respondents have not completed the enquiry within the reasonable time, further direction is given not to evict the applicant from the quarter till the enquiry proceedings are complete. However, this does not prevent the respondents to take necessary action pursuant to the completion of the proceedings under Public Premises (E.U.O) Act, 1971, in terms of law.

3. The O.A. is disposed of with the above directions. There will be no order as to cost.

*M.R. Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER (A).

*B.S. Hegde*

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

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✓ Akalat submitted  
by Shri G. S. Walia  
Adv. - affected  
party.

3  
19/11/2

R.P. No. 125/96  
by circulation

3  
20/11/2

M.P. No. 636/97  
for extension  
of time to implement  
the Judgment,  
dated on 17.11.97

3  
5/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

Review Petition No.125/96  
in  
Original Application No.826/96.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

1. Ramji Singh
2. Hariprasad B.
3. Virendra Kumar Singh
4. G.C.Sisodia,  
C/o.G.S.Walia,  
Advocate, High Court,  
16, Maharashtra Bhavan,  
Bora Masjid Street,  
Fort, Mumbai - 400 001. ... Applicants.

V/s.

V.P.S.Rastogi. ... Respondent.

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri B.S.Hegde, Member(J)) Dt. 9 .1.1997.

It is noticed that the application was filed by one V.P.S.Rastogi. The applicant superannuated on 31.7.1994. A charge sheet was issued against the applicant in the year 1993 by which disciplinary proceedings were initiated against him. Since the applicant had not received pensionary benefits the Tribunal directed the Respondents to complete the inquiry within a period of four months from the date of receipt of the order. Since the applicant was in possession of <sup>the</sup> Quarter and the inquiry was taking time, it was further directed not to evict the applicant from the Quarter till the inquiry proceedings are completed. At the same time they were allowed to take necessary action pursuant to

the completion of the proceedings under the P.P.Act in terms of law. The O.A. was disposed without the reply of the respondents.

2. The Review Petition appears to have <sup>been</sup> filed by four employees who claim to be affected on the ground that if the applicant is allowed to retain the Quarters for uncertain and indefinite period it would badly prejudice their interest since they have been waiting for the allotment of Railway Quarter for the last 10 years. Hence they submit that there is an error apparent on the face of the record. The Review Petitioners are not a party to the original application which has been disposed of vide Tribunal's Order dt. 28.10.1996 and the O.A. was disposed of before the Respondents had filed their reply. As of to day it is not known whether the respondents have completed the inquiry proceedings against the applicant and taken any action against the applicant. While disposing of the O.A. what was intended was, since the inquiry was not completed by the Respondents, till the completion of the inquiry the applicant may be allowed to continue in the Quarters, but the respondents were allowed to complete the <sup>P.P.Act</sup> process in accordance with law. Although it is well meaning, the Review Petition filed by the Petitioners here is not tenable and is not sustainable. The application filed by the Review Petitioner is nothing but a public interest litigation which is not to be entertained by the Tribunal. However, our order needs clarification. It was directed that the

applicant should not be evicted from the Quarters till the inquiry proceedings are ~~not~~ completed, at the same time they were allowed to complete the proceedings under the P.P. Act in terms of the law. Since the applicant has superannuated from the service on 31.7.1994, the question of continuation in the Quarter till the completion of the inquiry proceedings which may take longer than four months is not warranted. Hence it is clarified that Respondents are at liberty to pass appropriate order to get the applicant evicted from the Quarter as per law especially if the inquiry proceedings take longer than four months.

3. For the reasons stated above, the Review Petition is not tenable and the same is dismissed by circulation, but it is directed that a copy of this order clarifying our earlier order may be sent to the parties to the O.A. 826/96.

M.R. Kolhatkar

(M.R. KOLHATKAR)  
MEMBER (A)

B.S. Hegde

(B.S. HEGDE)  
MEMBER (J)

B.