

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.Dy.No.4818/2001

08/11/2001

Tuesday, this the 6th day of November, 2001.

CORAM;

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Mr.Manesh Rao.S.K.
T/13, NCH Colony,
Powai, Bhandup,
Mumbai-400 078.

- Applicant

By Advocate Mr K.S.Kallappura

Vs

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi-110 001.
2. Rear Admiral P.Jaitly AVSM, VSM,
Admiral Superintendent and Estate Officer,
Naval Dockyard, Lion-Gate,
Mumbai-400 023.
3. Captain(IN) KK Singh,
Deputy General Manager(P&A),
Naval Dockyard, Lion-Gate,
Mumbai-400 023.
4. Commander DK Mishra,
Manager Industrial Relations and Welfare
Naval Dockyard, Lion-Gate,
Mumbai-400 023..
5. Commander Ajay Swarup,
Judge Advocate,
Naval Dockyard, Lion-Gate,
Mumbai-400 023.
6. Shri PS Bawa, CTA,
Assistant Manager
Industrial Relations and Welfare(Estates),
Naval Civilian Housing Colony Powai,
Bhandup, Mumbai-400 078.
7. Shri AK Awasthi,
The Security Incharge,
Naval Civilian Housing Colony Powai,
Bhandup, Mumbai-400 078.

- Respondents

By Advocate Mr V.S.Masurkar

ORAL ORDER

SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

This is a case where the applicant, who was under occupation of accommodation, Block No.T, Room No.13, Naval Civilian Housing Colony, Bhandup, Mumbai-400 078 allotted to him by the second respondent, is aggrieved by the communication dated 18.11.2000 (Exbt.A) whereby he has been directed to vacate and handover vacant possession of the said quarter failing which Eviction Proceedings under PP Act 1971 would be initiated against him. The reason for the apparently drastic decision seems to be that the applicant, inspite of several earlier warnings and notices, failed to adhere to the norms of civic society and that there was no improvement in his behaviour and habit which continued to cause nuisance and harassment to the fellow residents.

2. When the matter came up for consideration, the learned counsel for the respondents has invited my attention to Exbt.G dated 23.4.2001 whereby the applicant was given yet another opportunity to express his regret with regard to his conduct and to give an undertaking to the effect that he would strictly follow occupancy rules and civic norms. According to counsel for the respondents, the applicant was advised to forward his undertaking by 25.4.2001 failing which action as contemplated already in the impugned order was proposed to be effectively perused.

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3. Thus, as matters stand, the respondents have not taken any steps to implement the drastic action proposed to be taken in the impugned order. Further, they are seen to have given the applicant further latitude. The only thing that was expected by the applicant, if he wanted to continue in the quarters where he claim to have lived in for over 40 years, was that he should give an assurance to the department that as an allottee he would adhere to the norms of decency and decorum and the occupancy rules which, as a member of the society and as a Government servant, he was expected to comply with. Now, both the counsel have agreed that the matter can be resolved by considering a fresh representation/undertaking from the applicant expressing his unconditional readiness to adhere to the rules of decency, decorum and civic behaviour which are expected of a member of the society and a disciplined Government servant. The applicant's counsel is willing to cause a representation/undertaking be filed within two weeks. It is, therefore, considered feasible to direct the respondents to consider the representation/undertaking in response to Exbt.G letter dated 23.4.2001 as agreed to be filed by the applicant within a period of two weeks and pass appropriate orders thereon by allowing the applicant one more chance to reform himself. If the character and conduct of the applicant does not improve, the respondents are free to take appropriate action and pass speaking orders communicating their decision. It is ordered accordingly. An order communicating the respondents' decision

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on the representation, if received from the applicant within the permitted time, should be made within one month from the date of receipt of such representation.

4. The application is disposed of as above. No costs.

Dated, the 6th November, 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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