

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 804/87(F)

(WP. NO. —)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED : 29-9-87

APPLICANT K. Muthuraj Vs
TO

RESPONDENTS Estate Office,
S. Reys, Keyser & Dutt.

1. Sri K. Muthuraj,
Southern Railway Qrs No. 19,
Sagar, Shiroga ~~Dist~~ Dist
2. Sri A. V. Srinivas,
Aelvalli
107 (Upstair)
Gandhi Bazar, Basavangudi,
Bangalore - 560004

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 804/87(F)

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
18 Sep 87

ENCL: As above.

For Verbal Record
DEPUTY REGISTRAR
(JUDICIAL)

RECEIVED

94

Diary No. 1221/kr/12 copies 30/9/87

Date: 5/10/87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 18TH DAY OF SEPTEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rege, Member (A)

APPLICATION NO. 804/87

Shri K. Mutturaj,
S/o late B. Krishnaswamy,
Hindu, aged about 53 years,
Southern Railway Quarters No.19,
SAGAR (Shimoga District). Applicant.

(Shri A.V. Srinivas, Advocate)

v.

1. The Estate Officer,
Southern Railways,
MYSORE.
2. The Divisional Operating
Superintendent, Southern
Railways, MYSORE. Respondents.

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 ('the Act'), the
applicant has challenged order in Case No.15/86 dated
6.5.1987 of the Estate Officer, Southern Railway, Mysore
Division, Mysore ('EO').

2. The impugned order is made by the EO under the
Public Premises (Eviction of Un-authorised Occupants)
Act, 1971 ('the 1971 Act'). The Office has not raised
objection on the jurisdiction of this Tribunal to
entertain this application under the Act. But notwithstanding

the same, we posed this question to Shri A.N. Srinivas, learned counsel for the applicant and heard him on the same.

3. An order made under the 1971 Act is not a service matter, over which this Tribunal has jurisdiction and power to adjudicate under the Act. The impugned order made by the EO has to be challenged by the applicant before the appellate authority constituted and functioning under the 1971 Act, and not before this Tribunal under Section 19 of the Act. On this view, this application made before this Tribunal is wholly incompetent and is liable to be rejected. We, therefore, reject this application as not maintainable. But this does not prevent the applicant from challenging the impugned order before the appropriate forum under the 1971 Act.



Sd/-

Vice-Chairman

16/10/1987

Sd/-

Member (A) 18-10-87

- True Copy -

dms/Mrv.

B. Venkateshwar
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

29/10/1987