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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 237/92
~~XXXXXX~~

198

DATE OF DECISION 21.9.1992

Shri V.R.Khawale Petitioner

Shri G.S.Walia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri J.G.Sawant Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO.

Su

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 237/92

Shri Vasant Ramchandra Khawale

... Applicant

V/S

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondents


ORAL JUDGEMENT


Dated: 21.9.1992

(PER: S.K.Dhaon, Vice Chairman)

By a notice dated 16.1.1992 the applicant was called upon by the Chief Workshop Manager, Parel to vacate the Govt. accommodation allotted to him. The notice made it clear that in the event of failure of the applicant penal rent will be charged and further proceedings would be filed to evict the applicant from the Railway quarter. Legality of this notice is being impugned in this application.

2. The applicant cannot be forcibly evicted from the Govt. accommodation inspite of the service of the impugned notice. Proceedings have to be taken by the Railway authorities in accordance with law to evict the applicant from the Rly. quarter. We do not find any illegality in the notice. We therefore do not consider it a fit case for interference. The application is rejected. The interim order passed on 27.2.1992 and extended thereafter is vacated. We also make it clear that, in pursuance of the impugned notice, the respondents shall not be entitled to realize damages from the applicant till an order to that effect is passed by an appropriate authority in appropriate proceedings.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN