

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 374/92

Transfer Application No:

DATE OF DECISION 21-1-93

Shri U.D.Salvi Petitioner
Bombay

Shri S.Natarajan Advocate for the Petitioners

Versus

Union of India through Respondent
Director of Estates
Government of India, New Delhi.

Shri V.S.Masurkar Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri

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

Sug
(S.K.Dhaon)
Vice-Chairman

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(8)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

Original Application No.374/92

Shri U.D.Salvi
Bombay

...

Applicant

vs

Union of India through
Director of Estates
Government of India
New Delhi-110-001 & Ors. ...

Respondents.

Coram: Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman.

Appearance:

Shri S.Natarajan, Adv.
for the applicant.

Shri V.S.Masurkar, Adv.
for the respondents.

Dated 21-1-93

Oral Judgement

(Per: Hon'ble Mr. Justice S.K.Dhaon, V.C.)

The applicant's father, who was a clerk, had been allotted accommodation in the form of Flat No.809/26, Type II, Sector VII at Antop Hill, hereinafter referred to as accommodation in question. On 7th Nov.1988 the order retiring him from service with effect from 13-7-1988 was passed. On 2-12-1988, the applicant made an application for a suitable employment to the office of the Income Tax Department. On 28-7-1989 he was given an appointment as a clerk, Thereafter, it is alleged, he made an application for allotment of an accommodation, that application has been disposed off. The Asstt. Director of Estates informed the Estate Manager that the request of the applicant for allotment of accommodation in question had not been found possible as it was not governed under the rules/orders and the Estate Manager should proceed with the finalisation of the eviction proceedings. A copy of the said communication was sent to the applicant. This communication is impuned in the present application.

9 The respondents advocate, Mr. Masurkar, mentioned state that he does not propose to file any reply. We are, therefore, proceeding to dispose of this application finally.

It appears that proceedings under the Eviction Act were initiated against the applicant's father and the prescribed authority passed order for evication. He took the matter in appeal. On 5th December, 1991, the appellate court dismissed the appeal. It, however, granted time to the applicant's father for vacating the accommodation in question or handover peaceful possession of the same by 30th April 1992. The appellate court reserved the right of the applicant to prosecute his application for the allotment of an accommodation, or for the regularisation of the occupation of the accommodation in question before the appropriate forum.

The communication dated 10-4-1991 of the Asstt. Director of Estates, reference to which has been made above, does not disclose any reason as to why the applicant's application for allotment of the accommodation is not covered under the rules/orders. The application should have been disposed of by giving reasons. This not having been done, it will be deemed that the applicant's application is still pending. The relevant authority shall re-consider the applicant's application on merits and in accordance with the law and dispose of the same by a speaking order. It shall do so as expeditiously as possible. However, the applicant shall not be evicted from the accommodation in question till his application is disposed of.

The counsel for the applicant gives ¹an undertaking that the applicant will continue to pay all the bills, as and when received by him.

With these directions this application is disposed of finally but with no order as to costs.

Sey
(S.K. Dhaon)
Vice-Chairman