

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Dated: 1 NOV 1993

APPLICATION NO(S) 791 of 1993.

APPLICANTS: Y.Venkatappa v/s. RESPONDENTS: Secretary, Ministry of  
Railways, New Delhi and Others.

TO.

1. Sri.K.Ramadasan, Advocate, No.306,  
Subedarchathram Road, Bangalore-9.
2. The Divisional Personnel Officer,  
Southern Railways, City Railway Station,  
Bangalore City.
3. Sri.A.N.Venugopal Gowda,  
Advocate, No;8/2, Upstairs,  
Opp: Bangalore Hospital,  
R.V.Road, Bangalore

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 28-10-1993.

for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

Issued by  
gm

1/11/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

DATED THIS THE 28TH DAY OF OCTOBER, 1993.

PRESENT

HON'BLE MR. V. RAMAKRISHNAN .. MEMBER (A)

HON'BLE MR. A.N.VUJJANARADHYA .. MEMBER (J)

APPLICATION No.791/93

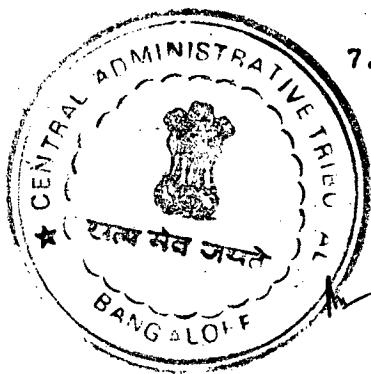
Y. Venkatappa,  
S/o. Shri Venkat Rangaiah,  
Gangman,  
Department:Engineering/PWI/YPR,  
Yeswanthapur Railway Station,  
Bangalore. .. Applicant

(Shri K. Ram dasan .. Advocate)

Vs.

1. Union of India,  
by Ministry of Railways,  
Government of India,  
New Delhi  
by its Secretary.
2. The General Manager,  
Southern Railways,  
Park Town, Madras.
3. Divisional Railway Manager,  
Southern Railway,  
City Railway Station,  
Bangalore City.
4. Additional Divisional Railway Manager,  
(Estate Officer), Southern Railway,  
City Railway Station,  
Bangalore City.
5. Divisional Engineer,  
Southern Railway,  
City Railway Station,  
Bangalore.
6. Assistant Engineer, SBC/South,  
Southern Railway,  
City Railway Station,  
Bangalore City.
7. Divisional Personal Officer,  
Southern Railway,  
City Railway Station,  
Bangalore City. ... Respondents

(Shri A.N. Venugopal ... Respondents)



This application, having come up before this Tribunal, today for admission, Hon'ble Shri A.N. Vujjaneradhya, Member (J), made the following:

O R D E R

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is aggrieved by the fact of his eviction from the quarters allotted to him and the alleged non-consideration of his representation by the respondents.

2. Briefly stated, the facts of the case are as below. The applicant was allotted Railway quarters on 1.7.1991. On 30.9.1992, Respondent No.5 had issued notice to the applicant directing him to vacate the quarters on the basis of some complaint. On 17.2.1993, Respondent No.6 issued a direction to the applicant to vacate the quarters on the ground of subletting. Subsequently, on the representation made by the applicant, Respondents No.5 and 6 did not take any action to evict the applicant. But, on 8.5.1993, Respondent No.4 had pasted form 'B' dated 8.5.1993 on the door of the applicant's quarters requiring him to vacate the quarters. Thereafter applicant personally met Respondent No.4 and informed him that only himself and members of his family are staying in the quarters and as such there was no further action taken by the respondents. But, suddenly the respondent No.5 had pasted order dated 20.8.1993 requiring the applicant to vacate the quarters before 25.8.1993. Thereafter, the applicant made O.A.713/93 before this Tribunal which was dismissed as not maintainable observing that the applicant may make a representation which the respondents should

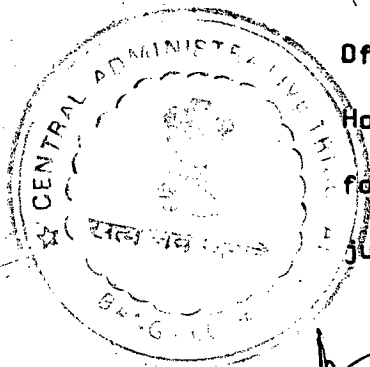
consider and still if applicant is aggrieved, he can come up before the Tribunal (Annexure-A5). The applicant did make the representation as per the directions of this Tribunal. But, still the applicant was evicted by the respondents on 21.9.1993 by locking and sealing the door of the house. Hence, the application seeking to quash the order passed by Respondent No.4 on 21.9.1993 (Annexure-A7), another order of even date (Annexure-A8), the order dated 17.2.1992 passed by Respondent No.6 (Annexure-A2), the order dated 8.5.1993 passed by Respondent No.4 (Annexure-A3) and to pass such other order deemed fit.

3. The respondents opposed the application contending that applicant is not entitled to any of the reliefs sought.

4. We have heard Shri K. Ramadasan, the learned counsel for the applicant and Shri A.N. Venugopal, the learned standing counsel for the respondents and perused the records made available by the respondents.

5. On hearing the learned counsel for the applicant, regarding the interim prayer, we had directed the respondents to allow the applicant to take back the possession of the household articles kept in the quarters allotted to him. But, it looks as if the applicant did not make use of that order. Anyhow, we have heard the learned counsel on the merits of the application at the admission stage itself.

6. While disposing off O.A.713/93 on 24.8.1993, a bench of this Tribunal did conclude that the order passed by Estate Officer dated 28.5.1993 evicting the applicant cannot be faulted. However, because the applicant had not made any representation for sympathetic consideration of the respondents, who alone had jurisdiction to consider the case of the applicant sympathetically



but not this Tribunal the power of which is to examine whether the consideration of such representation was or was not proper, passed the final order in that application as below.

"In view of the above, this application is disposed off at the admission stage itself as not maintainable in the present form. However, taking the facts and circumstances of the case, the respondents are directed not to evict the applicant for a period of 14 days from today only. In the meantime, the applicant, if he so desires, should make an appropriate representation within 2 days giving all the facts of the case to the competent authority who should take a final decision on the representation before enforcing the eviction order dated 20.8.1993. In case, the applicant is aggrieved by the passing of any such order, he will be at liberty to agitate the matter in the appropriate forum in accordance with law. The application is disposed off accordingly."

In compliance with this direction, the applicant did make the representation dated 26.8.1993 found at Annexure-A6 which was duly considered by the respondents who have issued the endorsement as in Annexures-A7 and A8 both of which are dated 21.9.1993. Because these Annexures-A7 and A8 did not disclose the consideration of the representation in detail, we had required the learned counsel for the respondents to make available the file in which the representation of the applicant was considered and accordingly the two files were placed before us for our perusal. From the note 5 produced by the respondents it is seen that the respondents did consider the representation of the applicant in detail and on its merits and concluded that the applicant did sublet the premises and therefore he was not entitled to any sympathetic consideration and as such his representation was not granted. Because the representation was duly considered and further because there are no sufficient grounds made out by the

applicant to show that the said consideration is either arbitrary or unjust, we are not inclined to interfere with the said orders passed by the respective respondents and as such we have to necessarily observe that the application lacks merit. The contention of the learned counsel for the applicant, the applicant was not afforded any opportunity is baseless as also the concerned respondents <sup>have not</sup> considered the representation of the applicant. No impropriety or unreasonableness is forthcoming from the orders passed by the respondents which drives us to conclude that the applicant is not entitled to any relief sought in this application.

7. In the result, the application fails and we hereby dismiss the same with no order as to costs.



**TRUE COPY**  
*[Signature]*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

MEMBER (J)

MEMBER (A)

28/10/93

28/10/93

7/11/93