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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY Bench.

O.A.No. 712/93
~~XXXXX~~.

199X

DATE OF DECISION 4-11-93

Shri John Kurian & Anr. Applicant(s)

Versus.

Union of India & Anr.. Respondent(s)

(For Instructions)

1. Whether it be referred to the Reporter or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

} NO

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J).

(-)
CHAIRMAN/VICE CHAIRMAN/
Member

for Reference

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH.

Original Application No.712/93.

Shri John Kurian & Anr. Applicants.

V/s.

The Estate Manager,
Old C.G.O. Bldg.,
Annexe, 3rd floor,
M.G.Road,
Bombay - 20 and Anr. Respondents.

Coram: Hon'ble Ms.Lakshmi Swaminathan, Member(J) ..

Appearances:-

Applicants by Shri M.A.Mahalle.
Respondents by Shri V.S.Masurkar.

Judgment:-

[Per Ms.Lakshmi Swaminathan, Member(J)] Dt. 24-Nov. 1993

Heard Shri M.A.Mahalle, counsel for the
applicant and Shri V.S.Masurkar for the respondents.

2. This application has been filed by the
applicants S/Shri John Kurien and Bhagayya Shankarayya
Swamy under section 19 of the Administrative Tribunals
Act, 1985 impugning the eviction notice dt.24.1.1992,
and the order of eviction dt. 14.7.1993 passed under
sections 4 and 5 of the Public Premises (Eviction
of Unauthorised Occupants) Act, 1971 (hereinafter
referred to as 'the Act').

3. The facts of the case are that the applicant
No.1 had been allotted Quarter No. 43 at Wadala, Bombay
on 11.4.1989. He has stated that vide letter dated
26.4.1989 he had intimated in the prescribed form to
the Estate Officer through the Head of the Department
that he is sharing the accommodation with Applicant
No.2 Shri Bhagayya Shankarayya Swamy, who is a
Scientific Officer in the service of the Naval

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Chemical and Metallurgical Laboratory, Bombay with whom the applicant was also working. In the notice issued on 24.1.1992 by the Estate Manager, it was stated that it has been reported that the allottee, applicant No.1 of Quarter No.43 has completely sub-let the same to some unauthorised persons in contravention of the provisions contained in S.R. 317-B-20 of the Allotment Rules. The applicant No.1 was also given an opportunity to represent his case before the authority. After certain time when the applicant states that the applicant could not meet the concerned officer, it is evident from the records that the applicant No.1 was given an opportunity to present his case, before the Estate Officer ^{who} passed the impugned order of eviction dt. 14.7.1993.

4. The main grievance of the applicant No.1 against the aforesaid eviction order was that (1) he was not furnished with the report on the basis of which the show cause notice had been issued stating that he had completely sub-let the quarter and (2) ~~the same~~ applicant No.2 who was sharing the accommodation with him under the rules, was not given a notice required under section 4 of the Act.

5. From a perusal of the records in this case it is seen that the main issue is not regarding the sharing of accommodation of the quarter allotted to applicant No.1 with applicant No.2, but the question whether the same had been completely sub-let to applicant No.2 contrary to the provisions of S.R. 317-B-20(2) of the Rules. Before passing the impugned order of eviction, the applicant No.1 had been given an opportunity of hearing by the Estate Officer.