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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 736/94

Transfer Application No.

Date of Decision 15.11.95

Om Prakash Rammurat

Petitioner/s

Mr. C M Jha

Advocate for
the Petitioners

Versus

H.O.I. & 2 ors.

Respondent/s

Mr. V S Masurkar

Advocate for
the Respondents

CORAM :

Hon'ble Shri. B S Hegde, Member(J)

Hon'ble Shri. N K Verma, Member(A)

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒

M(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A. No. 736/94

Wednesday 15th ~~this~~ the day of November
1995

HON.SHRI B.S. HEGDE, MEMBER(J)

HON.SHRI N.K. Verma, MEMBER(A)

Om Prakash Rammurat, Gang Man, Chief PWI, Dadar,
Railway Quarter No.17/E/A
Goregaon
Bombay

By Advocate Shri C.M.Jha

..Applicant

V/s

Union of India
through General Manager
Western Railway
Bombay & 2 ors.

By Mr. V.S.Masurkar, Counsel

..Respondents

O R D E R

[Per: B.S. Hegde, Member(J)]

Heard the arguments of Mr. C M Jha, Ld.
Counsel for the applicant and Mr. V S Masurkar,
Ld. Counsel for the respondents.

2. The O.A. was admitted in the first
instance on 18.7.94 and notice to respondents
to file reply was issued. Throughout, the matter

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was listed before the Single Bench, however, when the matter appeared before Tribunal on 21.9.95 the counsel for applicant urged tht since the law point is involved the matter may be referred to a Division Bench and accordingly the matter was listed before the Division Bench on 9.10.95, 12.10.95, 30.10.95 and 13.11.95 respectively.

3. In the O.A. the applicant has prayed for a direction to the respondents to regularise the quarter No.17/E/A at Goregaon in the name of the applicant and for an order restraining the respondents from evicting the applicant from the said quarter. In this connection the Ld. Counsel for applicant brought to our attention the Memorandum dated 15.4.93 whereby he was permitted to share the qúarter with Rammurat Kumar and the sharer Shri Omprakash Rammurat, G/man under the CPWI-DDR is not eligible for the HRA with effect from 3.10.92 and the same will be recovered as he is the son of the principal allottee Shri Rammurat Kumar, P.Way Mistry under CPWI-BVI. The Ld. Counsel for applicant also submitted that against order dated 7.12.93 passed by the Estate Officer the applicant had filed an Appeal under the P.P. Act before the City Civil Court, Bombay. The City Civil

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Court, Bombay vide its order dated 22.4.84 without hearing the opposite side stayed the impugned order pending hearing on 6.6.94. When the matter came up for admission on 6.6.94 the City Civil Court reportedly remitted the case back to the Estate Officer in the facts and circumstances of the case. The Ld. Counsel for the applicant submits that till now the Estate Officer has not passed any order.

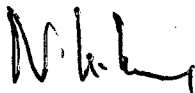
4. The applicant in this case, who is the son of the Petitioner in the Appeal before the City Civil Court has filed the present O.A. seeking reliefs as referred to in the above paragraph.


5. The Ld. Counsel for the respondents Shri Masurkar submits that the present applicant is staying in the railway quarters for the last couple of years along with his father unauthorisedly and his father retired in 1993 and the permission granted to the applicant to share the quarter with his father was cancelled vide order dated 15.4.93 and the applicant is taking advantage of the interim order passed by the City Civil Court which has become infructuous after the appeal was remitted back to the Estate Officer by the City Civil Court instead of admitting the matter on 6.6.94.

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6. There is considerable force in the submission of Shri Masurkar since the City Civil Court did not admit the Appeal filed by the applicant's father and instead remitted the matter back to the Estate Officer to pass appropriate order and hence the ~~interm~~ interim order passed by the City Civil Court does not subsist once the matter is remitted to the Estate Officer without admitting the appeal. Though the O.A. was admitted as stated earlier the interim order passed by the City Civil Court does not subsist. It is open to the Estate Officer to pass appropriate order with regard to the quarter in question hence we direct the Estate Officer to pass appropriate orders with regard to the quarter in question within three months from the receipt of a copy of this order. The question of regularisation of the quarter, if any, would be adjudicated by the Estate Officer.

7. With the above direction the O.A. is disposed of with no order as to costs.


(N.K.Verma)
Member(A)


(B.S.Hegde)
Member(J)