

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. No. 278/94

Tribunal's order

Dated : 1.3.1994

Heard Shri V. D. Surve counsel for the applicant.
Shri V. S. Masurkar for the respondents No. 1, 2, & 4.

Applicant has challenged the order dated 16.2.1994 passed by Estate Officer vide 'Exhibit-E' & order dated 25.1.1993 refusing regularisation of quarter. The applicant No. 1 has retired from Govt. service on 30.6.1992 as a Carpenter and was working under Respondent No.3. The applicant No. 2 is son of applicant No. 1, also employed with Respondent No. 3. The Estate Officer, competent authority has passed the order under sub-section (1) of Section 5 of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971. The applicant No. 2 is also entitled to allotment of Government quarters. Application in this regard was made and the same was rejected by the Estate Manager on 25.1.1993. A representation was made to the Estate Manager against this order on 26.2.1993. Thereafter a formal appeal was made to the Director of Estates, Nirman Bhavan, New Delhi on 2.6.1993.

The interim relief prayed for by the applicant is for quashing of eviction and stay of order pending regularisation of the quarter in favour of the applicant No. 2.

Shri Masurkar counsel for the respondent No. 1, 2, & 4 has opposed the application for the interim relief, firstly on the ground that the appeal should have been filed in the City Civil Court and secondly on the ground that the applicant has not impugned the order dated 25.1.1993 by which his son's application for regularisation of the

rec-3/3

quarter was turned down. It is no doubt true that alternative forum is available to the applicant so far as eviction from the quarters under the relevant Act is concerned. All the same, the main relief is regularisation of quarters in favour of son i.e. O applicant No. 2. This Tribunal is competent to stay eviction in exercise of its powers to grant interim relief.

Pending admission, therefore we, hereby restrain the respondent No. 2 from evicting the applicants from the Govt. accommodation in question till the date of the next hearing.

Respondent No. 1, 2, & 4 are directed to file a Written statement on admission and interim relief.

Put up on 12.3.1994.

Dasti.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

Office Notice, Office
Memorandum, of coram
Appearance, Tribunal's
Orders of direction &
Registrar's Orders.

Tribunal's Orders

Fixed for A.H./I.R.
on 1/3/94
for Dy. Registrar

Dated 15-3-94

dt 1/3/94
Order/Judgement despatched
to Applicant/Respondent(s)
on 3/3/94

8/4/13

Shri V.D. Surve for
the applicant. Shri V.S.
Masurkar for the
respondents.

Shri Masurkar
seeks six weeks' time
to file reply. Time granted.

Interim relief to
continue till then.

Put up on 25-4-94.

M.R. Kolhatkar
(M.R. Kolhatkar)
M/A.

del-15-3-94
Order/Judgement despatched
to Applicant/Respondent(s)
on 12/3/94

3
2013

Dated 25-6-94

None for the applicant.
Shri V.S. Masurkar for the
respondents who wants a month's
time to file written Statement.
Time granted.

Interim relief to continue
till then.

Put up on 20-6-94.

M. R. Kolhatkar

(M. R. Kolhatkar)
M/A

Dated: 20.6.94.

Ms. A. Kaushik proxy counsel
for Shri V.D. Surve for the applicant.
Shri V.S. Masurkar for the respondents.

Shri Masurkar submits that he has
not filed the reply. He is given four
weeks time to file the reply.

List the case on 18.7.94.

Interim relief already granted
to continue till then.

Re,
@

B. S. Hegde
(B. S. Hegde)
N(2)

dtl 20/6/94
Order/Judgement despatched
to Applicant/Respondent (s)
on 27/6/94

2
29/6

Contd

Date: 18.7.94 [Per H.S. Deshpande V.C]

Hand Mr. V.D. Surve for
the applicant and Mr. V.S. Masurkar for
the respondents.

Learned counsel for the
applicant states when the impugned
order was passed the department
to which he belonged was not
eligible for quarters but by virtue
of the order passed during the
pendency of the application the
department become eligible.
Applicant's request for regular-
isation of the quarter was
rejected on 25-1-93 and
erection order was issued on
16.2.94. It will be only
appropriate, in the present
circumstances, to permit
the applicant to make a
representation on the basis of
the facts narrated above,
to the respondents within a
month with a direction

Pto

to the respondents to consider
his representation within two
months thereafter. The operation
of eviction order is stayed for
a period of three months from
today.

Application disposed of
with this direction.

(M. S. Deshpande)
V.C.

7/11/94

None for the applicant.
Notice before admission.
Reply within six weeks -
Adjourned to 20/1/95.

(P. P. Srivastava)
M(A)

(M. S. Deshpande)
V.C.

Notices are issued
to ~~Respondents~~ on
Contemners

OS-12-99
Ww

✓
2/1/95

du: 18/1/94.

Order/Judgement despatched
to Applicant Respondent (s)
on 26/1/94.

2/2/94

C.P. no. 12/1/94
fixed on 7/11/94
for order.

2/2/10

(N)

2/2/11

Date - 20-1-95

Mr. V. D. Surve, Counsel for the applicant.
Mr. V. S. Masurkar, Counsel for respondents
States that the matter raises a technical
difficulty because certain forms which had
to be filed are not filed by the applicant.
Mr. Surve states that the forms had already been
filled and filed.
Applicant's Counsel to ascertain from respondents
Counsel which forms are to be filled in
and if they are not filed they should be
filled and handed over to the department
alongwith the letter of the Counsel for the
respondents today.
With this direction the C.P. is dismissed.

29/1/95
Order/Judgement despatched
to Applicant/Respondent (s)
on 14/2

(P. A. Srivastava)
MA

(M. S. Deshpande)
VC.