

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

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. ○ 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 Serum
Appearance, Tribunal's
Orders of Direction &
Registrar's Orders.

Tribunal's Orders

Fixed for A.H/I.R.

on 1/3/94

for D.Y. Hegde, I.C.

Dated 15-3-94

At 1/3/94
Order/Judgement despatched
to Applicant, respondent(s)

on 31/3/94

8/3/94

Shri V.D. Sure 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 1/3/94

3
20/3

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

②

B.S. Hegde
(B.S. Hegde)
n(t)

dtl 20/6/94
Order/Judgement despatched
to Applicant/Respondent(s)
on 21/6/94.

20/6

Carole

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

Heard Mr. V.D. Sureve for the applicant and Mr. V.S. Marwarkar 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 orders passed during the pendency of the application the department became eligible.

Applicant's request for regularisation of the quarter was

rejected on 25-1-93 and

eviction 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

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.

✓
P/C
J

Application disposed of

with this direction.

all 10/11/94.

Order/Judgement despatched
to Applicant Respondent (s)
on 26/11/94.

✓
P/C

C.P. no. 121/94
fixed on 7/11/94
for order.

✓
2/11/94

7/11/94
None for the applicant.
Notice before admission.

Reply within six weeks -
Adjourned to 20/11/95.

(N)

✓
P/C

(P.P. Srivastava)
P(A)

✓
(M.S. Deshpande)
V.C.

N O C E S ONE ISSUED
to ~~Respondent~~ on
Contemnor

OS-12-94

✓
P/C

Date - 20-1-95

Mr. V. D. Sure, Counsel for the applicant.
Mr. V. S. Masekhan, 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. Sure 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
filed and handed over to the department
along with the letter of the Counsel to the
respondents today.
With this direction the C.P. is dismissed.

order/judgement despatched
to Applicant/Respondent(s)
on 20/1/95

(A. Srivastava)
MIA)

(M. S. Deshpande)
VC.

20/1/95