

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GULESTAN BLDG.NO.6,PRESCOT ROAD, 4TH FLOOR,  
MUMBAI - 400 001.

REVIEW PETITION NO.95/96 in  
ORIGINAL APPLICATION NO.431/94.

DATED THIS 30<sup>th</sup> DAY OF oct 1996.

CORAM : Hon'ble Shri M.R.Kolhatkar, Member (A).

Mrs.Eliza Gladis Devadattu Bellari  
151/E, Wester Railway Quarters,  
S.V.Road, Bandra(West),  
Bombay - 400 050.

... Review Petitioner.

v/s.

The Union of India, through the  
General Manager,  
Western Railway, Bombay

... Respondents.

{ ORDER }

{ Per Shri M.R.Kolhatkar, Member(A) }

In this Review Petition, the Review Petitioner/  
Original Applicant has sought a review of my order dated  
12/8/96, by which the Interim Relief was vacated in following  
terms:-

"So far as the Interim Relief is concerned,  
the applicant retired on 31/8/92. There is  
no nexus between the claim made by the  
applicant and her continuance in the quarters  
when she has retired four years back.  
The Interim Relief is vacated. The respondents  
are at liberty to proceed against the  
applicant under the provisions of Public  
Premises(Eviction of Unauthorised Occupants)  
Act,1971."

The applicant has sought review of this part  
of the order on the grounds that she is an old lady with  
meagre financial means and has not received wages and  
pensionary benefits from the respondents. That she will not  
be able to prosecute her case and that the OA is likely to be

disposed of shortly and therefore she may be allowed to stay in the Railway Quarter on humanitarian grounds till the final disposal of the case.

The grounds made out are not relateable to review of the order in terms of rule under order 47 of CPC. The Review Petition is therefore rejected.

However, it is made clear that the applicant is at liberty to approach appropriate legal forum in case an order of eviction comes to be passed. Applicant is also at liberty to make an appropriate representation to the Railway Authority to allow her to stay in the quarters till the disposal of the OA.

Review Petition No.95/96 is therefore disposed of in these terms.

*M.R. Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER (A)

abp.

Order/Judgement despatched  
to Applicant/Respondent (s)  
on 30/10/96  
8/11/96

8/11/96

14/11/96-1

Shri M.S. Ramamurthy for  
Shri A. Ansari for Applicant.  
None for Respondents.

Shri Ramamurthy states that  
Shri Ansari is in difficulty.

At the request of the  
Counsel for the Applicant,  
Adjourned to 29/11/96.

abp.

M.R. Kolthkar  
(M.R. Kolthkar)  
m (A)

Date: 29.11.96 [1]

Heard Mr. A. ANSARI  
for the applicant and Mr. RAVI  
for Mr. P.H. NAIR for the respondents.

In the order dated 12.8.96  
the respondents were given liberty  
to file sur-rejoinder with  
reference to rejoinder filed by the  
applicant on 11.7.96. Till today  
respondents have failed to file  
sur-rejoinder. They have, therefore,  
forfeited their right to file the  
same and I have proceeded to  
hear the O.A. without the sur-rejoinder.  
In the rejoinder in para 4.4 (ii)

a grievance is made that the applicant has not been able to verify the leave record. On 12-8-96 it was recorded that the leave record is available and the applicant may take inspection today itself. Under the circumstance the applicant cannot now make a grievance that he has not given inspection.

Respondents to produce Service records and leave record of the applicant on or before 4-12-96.

Subject to above Judgment

Reserved.

Mickolath

(M. R. KOLHATKAR)  
M(A)

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Date:- 30.12.96

Applicant by NONE

Respondent by NONE

Judgment/Order

Signed and Pronounced

in the open Court by

Hon'ble Shri M R Kolhatkar M(A)

and Hon'ble Shri \_\_\_\_\_

Order to Appellate on 14/1/97

12/1/97

420  
Officer 30/12

Recd. Service Sheet of E. J. Bellary - in O.A. no. 431/94  
Yashoda Shenoy  
Advocate  
(for Mr. P. M. A. Nair)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 431/94/199

Date of Decision: 30-12-96

Mrs. Eliza Gladis Devadattu Bellari

Petitioner/s

Mr. A. Ansari

Advocate for the  
Petitioner/s

V/s.

U.O.I. & Ors.

Respondent/s

Mr. Ravi for Mr. B.M.A. Nair

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member(A)

Hon'ble Shri

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

M.R. Kolhatkar

(M.R. KOLHATKAR)  
M(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

O.A. 431/94

Pronounced, this the 30<sup>th</sup> day of Dec 1996

CORAM:

Hon'ble Shri M.R.KOLHATKAR, MEMBER(A)

Mrs.Eliza Gladis Devadattu Bellari,  
151/E, Western Railway Quarters,  
S.V.Road, Bandra (West)  
Mumbai - 400 050.

By Advocate Shri A.Ansari

.. Applicant

-versus-

1. Union of India

2. General Manager,  
Western Railway,  
Churchgate,  
Mumbai - 400 020.

By Advocate Shri Ravi for  
Shri P.M.A.Nair

.. Respondents

-: ORDER :-

(Per M.R.Kolhatkar, Member(A))

The applicant retired as Midwife from Bandra Hospital of the Railways on 31-8-1992. The applicant has filed this O.A. contending that during her service the applicant was neither given any promotion nor any stagnation increments as per the rules, that she was made to work 12 hours duty from time to time and she has not been paid overtime for the same. She has therefore prayed for the direction to make payment of proper wages, overtime dues, appropriate railway pass and all other consequential benefits.

after inspection of documents. All these claims  
are essentially stale claims. The O.A. is  
hopelessly barred by limitation. <sup>a {From merits no case is made out a</sup> I am therefore  
of the view that the applicant does not deserve  
the relief prayed for and the O.A. is dismissed  
with no order as to costs.

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*M.R. Kolhatkar*

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(M.R. KOLHATKAR)  
MEMBER (A )